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HISTORY OF CANADA,

FROM

THE TIME OF ITS DISCOVERY

TILL THE UNION YEAR (1840-1):

TRANSLATED FROM

"L'HISTOIRE DU CANADA" OF F.-X. GARNEAU, Esq.

AND ACCOMPANIED WITH

ILLUSTRATIVE NOTES,

ETC., ETC.

BY ANDREW BELL.

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HISTORY OF CANADA.

BOOK TWELFTH.

CHAPTER I.

THE AMERICAN ARMY BEFORE QUEBEC.

1775–1776.

Desperate plight of the British cause in Canada; Quebec alone recognizes British domination.—Defensive preparations.—A change unfavorable for republicanism gradually takes place in the Canadian mind.—Assault on Quebec, Dec. 31; General Montgomery killed.—Succours sent from America; Congress again addresses the Canadians; arrival of Franklin, Chase, and Carroll, who invite them to join the confederation.—Conduct of the people at this crisis.—The American forces, destitute of necessaries, become sickly.—The governor receives reinforcements.—Siege of Quebec raised.—The Americans, discomfited near Trois-Rivières, quit Canada.—In the south, the campaign ends favourably to them.—Declaration of Independence, July 4, 1776.—Discussions in the British Parliament.—Burgoyne's campaign; battles of Huberton, Benington, Freeman's Farm, &c.—Capitulation of Saratoga.—Admiral Count d'Estaing, at the instance of Congress, vainly tries to persuade the Canadians to become republicans.

The presence of the governor in Quebec did little for the cause of his country in Canada; a regard for British supremacy in a short time thereafter, existing scarcely anywhere but in the capital itself. The clergy, the seigneurs, and most of the lawyers, were ever devoted to British interests; but these were scattered in the towns and about the parishes, so many isolated individuals amidst crowds of others. Still, their influence was potent enough to make them hopeful of being finally able to direct the popular mind everywhere. Meantime, the members of the royalist party, anywhere outside of Quebec, were reduced to temporary insignificance.

The capital then had a population of about 5,000 souls. Its garrison was 1,800 strong, including 550 Canadians. The forces were of a heterogeneous kind, made up of regulars, militia, armed sailors, &c.; but there was enough of provisions and warlike munitions in store for eight months. The fortifications had been greatly strengthened since the previous war, and improvements on them were continued since hostilities recommenced. The ramparts, on the landward side, were mounted with cannon and mortars; towards the river St. Charles, and facing the St. Lawrence, there was on the margin of the cape (above the lower town) a palisaded line bristling with heavy artillery. The lower town was itself defended, at the centre, by batteries erected on the quays; and towards each extremity, by barricades. At the end of Champlain-street, in a locality below where the citadel has since been constructed, two batteries were raised, with space intervening, the cannon in which commanded the narrow pathway, between cliff and flood. At the other extremity of the lower town, the endings of St. Peter's and Sault-au-Matelot streets were barricaded; while the contiguous portion of the quay was mounted with ordnance. Two hundred yards further on, another barricade was raised in old Sault-au-Matelot street; a narrow and then the sole issue existing between the cape and the river St. Charles, for communicating between the Palais and the lower town. More than 150 pieces of artillery were in position in the upper and lower town, at the beginning of December. Had the besiegers been more numerous, from 7,000 to 8,000 soldiers would have been needful to man properly the defences of Quebec; but the force then in the city was quite sufficient for the purpose: in fact, at no time during the siege, did the enemy's number exceed that of the garrison; and we know not which of two things to marvel at the most, the temerity of Montgomery and Arnold in attacking, or the timidity of Carleton in his manner of defending, the city.

Arnold, as soon as he was re-inforced by Montgomery's corps, without waiting for that general, who marched more slowly, appeared before Quebec at the head of 900 provincials and some Canadians under Colonel Livingston: the fidelity of the upper classes to British interests left the latter headless, so that they were now led on by alien chiefs. When Montgomery arrived, he invested

the city entirely, and occupied Beauport, la Canardière, and Sainte-Foye; at the latter were his head-quarters. There is reason to believe that his design was not to besiege the city in the usual form, as battering the ramparts in breach, &c., for he had neither engineers, nor artillery suited to that purpose; his aim was rather to espy an occasion for capturing the place by an unexpected and sudden assault (*coup de main*); and the batteries he erected at Saint-Roch and on the Saint-Louis road, 700 yards distant from the ramparts, were intended merely to cover his own camp; possibly, also, to veil the design we have indicated.

However that may be, it certainly was no easy matter to surprise a strongly fortified place, defended by a vigilant garrison. A desire to terminate, by a crowning success, the series of fortunate hits he had been able to give the British since he entered their colony, perhaps blinded the perceptions of Montgomery to the perils attending his present enterprise. An auspicious moment for assaulting the place successfully might arrive, but it had to be waited for; and, besides his paucity of forces, he was not properly supplied with money and was short of provisions. His men, poorly clothed, and unaccustomed to the severity of a lower Canadian winter, were already affected with virulent small-pox, a disease which soon spread among them and continued to decimate their ranks to the last. As if these material wants and physical evils were not enough to cause the hazardous enterprise to miscarry, an additional source of weakness was opened up, through dissensions between Colonel Arnold and his officers.

The Canadians, too, who had lost their all through accepting inconvertible paper-money for supplying state wants, refused to receive the promissory notes of the American congress in exchange for their services or the commodities they offered to sell. In a short time, likewise, those country people who had been most zealous in the cause of provincial independence, began to cool on the subject. The greater number of the people, in fact, knew nothing of the over-forward proceedings of two traders in Montreal, named Price and Walker, who undertook in their name, to deal with Congress, as republican representatives of the colony.

Again, the Canadians who joined the American ranks, or who favoured the pretensions of Congress, began to perceive that they

would have to play a secondary, even a subservient part, as the struggle against British domination progressed. The Americans now among them to begin with, decided everything without consulting the inhabitants; they nominated officials, convoked public meetings, &c., without asking Canadian consent upon any occasion. Presently, the more thinking of the Canadian republicans began to regret that they had been helpful to let loose upon their country a band of armed adventurers, at whose mercy they were, without any proper means for repressing their excesses. Reflections naturally and promptly arise on all such occasions: they were, in the present case, not unmixed with a feeling of self-humiliation. The royalists were not slow to profit by this turn in the tide of public feeling. The disparaging words of the royalists launched at republicanism, were not a little re-inforced by the sordid aspect of the ragged soldiery of Arnold; while, though their number was small, their officers acted in an arbitrary manner. In a word, the sarcastic observations of the royalists on the allies of the *congreganists*, as the partizans of Congress in Canada were called, began to tell with an effect anything but favourable to the American cause. The prudence of General Montgomery much contributed, so long as he lived, to prevent an explosion of hostile feeling against his people by the Canadians, who began to express an opinion, between man and man, that it were better to obey one's own chief, under whatever form of general government, than to be indebted for political freedom to aliens (in all senses of that word). Montgomery certainly manifested great address in managing different orders of men whom he dealt with; being especially careful not to awaken the fears of change in the most sensitive of all, the privileged classes. Although he knew the innate feelings of the persons who enjoyed those privileges, he ever showed them the greatest respect; and while perfectly cognizant of the labours of the clergy to restrain revolutionary tendencies in their flocks, he enjoined on his men constant respect for (the catholic) religion and its ministers. He promised freedom of worship for all, and protection to the existing religious foundations. He proposed that a provincial convention, of deputies freely chosen, should be convoked, to prepare a form of government suited to the wants and wishes of the country. The com-

men people had been, in fact, allured (*séduit*) by that proposal; but their superiors got up a counter-agitation, in order to persuade the Canadians that the whole was an illusion, which they would soon repent of ever having been induced to regard with trustfulness.

To bring about a favourable re-action in the Canadian mind, Montgomery discerned no other means than to capture Quebec, and annihilate the royalism therein concentred. This feat he had determined to essay by a nocturnal escalade, and he was only waiting for a night of unusual darkness to plant his ladders unobserved by the garrison. The midnight hours between the 30th and 31st of December seemed to him a propitious time—no luminaries appearing in the firmament above, and snow falling fast on the earth beneath; while a howling wintry wind deadened all sounds that his movements might create. Montgomery called all his effective men together (between 13 and 14 hundred only), arranged them, and led the way to an assault of the city defences. They followed with alacrity; for neither he nor they knew that Governor Carleton had been made aware, by deserters, some days before, that a sudden attack was in contemplation by the Americans; consequently, every outpost was carefully guarded, and the sentinels ready to give an alarm as soon as an enemy appeared.

Montgomery divided his scanty force into four attacking columns. The first, composed of Livingstone's Canadians, was to make a feigned assault in the direction of Porte St. Jean; the second, led by Major Brown, was ordered to threaten the citadel. While the garrison's attention should be occupied by these movements, and only thought of defending the upper town, the two other columns, forming a really assaulting corps, were to penetrate the lower town, and afterwards ascend to the upper, which, the Americans imagined, was open on that side. Colonel Arnold, with 450 men, was to advance by the suburb of St. Roch, and carry the barricades and batteries of the Sault-au-Matelot; Montgomery reserved to himself the direction of the strongest column, undertaking to force the barrier of the Près-de-Ville and enter the place by Champlain-street. By 2 A.M. Dec. 31, all the troops were ready to act. Some of the men stuck sprigs of *pruche* in front of their hats as

marks of mutual recognition; others mounted labels with the motto, "Liberty or death." Each column then moved towards its assigned locality; Montgomery descending with his corps by the strand of the Foulon (Wolfe's Cove), and pushing onward as far as the Anse des Mères, where he halted, in order to give the final signal for attacking to the leaders of the other columns. By this time it was four o'clock in the morning. Two rockets ascended, and immediately several responsive signals, from the other corps, were perceived by the sentinels on the ramparts, who forthwith gave the alarm. When the Americans arrived on the ramparts of the landward side of the city, they were received with a heavy fire of musketry, which they were not slow in returning.

Meanwhile Montgomery was moving onward with his columns, which took much time to defile, for the roadway along which it had to pass was very strait, in some places two men not being able to march abreast between cliff and strand; besides being encumbered by ice blocks and wreaths of newly fallen snow. He nevertheless cleared all obstructions, and reached the outer barrier of Près de Ville, through which he passed without difficulty; but on attaining the next, he was confronted by a masked battery, mounted with seven cannon, and manned by a guard 50 strong, under Captain Chabot.* The artillerymen within stood beside their guns, with lighted matches, all ready to apply them and send a shower of grape as soon as the foe came near. Montgomery was astounded on finding such preparations made for giving him a hot reception. Halting within fifty yards of the battery, he turned round, seemingly to confer hastily with officers behind him, and then followed by the latter and their men, suddenly sprang towards the battery, when Chabot gave orders to fire. The discharge that followed proved destructive; cries and groans, which suddenly arose, proved its deadly efficiency. Montgomery himself, his two aides-de-camp, with several other officers and a number of their men, lay on the ground, some killed outright, or writhing in agony from mortal or other wounds. Colonel Campbell, upon whom the chief command of Montgomery's column devolved, finding that his men were so discouraged by the loss of the general

* Sanguinet's Manuscripts.

and so many of their comrades, thought it would be useless to reform his disordered ranks for a second attempt to force the perilous pass; he turned heel and retreated with the utmost precipitation.

At this moment, Arnold, after traversing St. Roch and the Palais, was advancing to force the first barricade which defended the opening of Old Sault-au-Matelot street, when, in defiling under the rampart of the upper town, whence proceeded a brisk fire, he was struck by a ball which crushed his leg. His leading was taken up by Captain Morgan, an ex-perruquier of Quebec, but a brave officer, who marched up to the barrier, and carried it by escalade, after wounding the sentinel, and took prisoner every soldier posted there, losing but one of his own men; a casualty, however, of more importance than any other, as the man killed was a Canadian, who served him for a guide: this accident brought Morgan to a stand-still. He was, soon thereafter, joined by Lieutenant-colonel Green and the rest of the column, at a moment when a strange scene was passing among his soldiers. A party of the citizens, aroused by the drummers beating the *reveiller*, repaired to the post of the Sault-au-Matelot, which was assigned as their place of rendezvous in case of an attack on the city; when, meeting the Americans, the latter held out their hands, exclaiming, "Liberty for ever!" Some of them [?] escaped, others were taken prisoners.*

Daybreak found the Americans in possession of all the houses between the barrier they had carried and the one beyond, in St. James' street, about 200 paces further off. A handful of Canadians, who had pushed on, defended this ground, foot to foot, with great obstinacy despite the enemy's superior number, who called out several times, naming certain citizens, "Friends, are you there?" and, having reached the second barrier, set up ladders for scaling it; but the fire kept up by the defenders was so deadly, that the assailants, driven back, were fain to take shelter in the houses. There a city militiaman, named Charland, an intrepid and robust man, advanced amid a shower of balls, seized the

* "Quelques-uns s'échappèrent, les autres furent retenus prisonniers"; thus ambiguously runs the author's text.—*B.*

ladders, and drew them inside the barricade. This post was under the charge of Captain Dumas, who was then hotly engaged with the ensconced Americans. The field of action at this point formed an angle, one side of which was occupied by the assailants; and the line cutting that of the cape at right angles and running towards the St. Lawrence, was held by the besieged, who had a battery on their right flank. It was not long before Captain Dumas was succoured by Captain Marcoux' Canadians, along with some British foot-soldiers and artillerymen.

The governor, being apprised that the column had retreated which attacked Près-de-Ville, and perceiving by their manœuvres that the enemy's troops who threatened Porte St. John and Cape Diamond did not attack in earnest, combined most of his forces at the point of Sault-au-Matelot. He ordered Captain Laws, with 200 men, to quit the city by the Porte-du-Palais, and, throwing himself into St. Charles street and old Sault-au-Matelot street, made a brisk assault on the enemies' rear. Captain Macdougall, was charged, at the same time, to support Laws with his company. The latter having reached his destination, entered a house where several American officers were in conference; at sight of the British, the former drew their swords, but were informed that if they made any resistance they would be massacred. Having ascertained that the corps outside was too numerous to be resisted, they surrendered accordingly.

Carleton had also sent orders to Major Nairne and Captain Dambourges to take a strong detachment and support the troops who were still combating in the lower town. Going thither they took the offensive, and began to assail the houses occupied by the enemy. The nearest building was soon scaled and carried by Dambourges and his men; * Major Nairne was as successful with others, till every one was quite cleared of the Americans; who thus found themselves assailed on all sides at once. Their van

* "M. Dambourges ascended to a window on a ladder taken from the enemy, followed by several Canadians, and forced the casement of a corner house; in which he found several Bostonians. After fixing his gun, he at the bayonet's point, along with several Canadians, courageous as himself, forced his way into the chambers; which so discouraged the inmates that they surrendered."—*Sanguinet Journal*; MS.

driven back, hotly pressed in rear, enclosed every way and their retreat cut off, they still continued a bootless resistance, but at last, in despair, threw down their arms, and were taken prisoner. All the survivors of Arnold's corps remained in the hands of the governor, who, following up this success, stormed the battery of St. Roch, whence a cannonade proceeded during the whole duration of the attack on the city, now fairly terminated.

The fire kept up at the Sault-au-Matelot was very hot, and it was expected that its effect must be deadly, but such it was found not to have really been. The loss of the Americans was great, in prisoners; and the death of Montgomery was an irreparable calamity for their cause. The corpse of that general, along with the bodies of twelve others, were disengaged from snow-heaps, at a little distance from the barrier through which he had attempted to enter. Some of the captured American officers, unconscious of the fate of their chief, having recognized his sword in the hands of an officer of the garrison, were moved at sight of it, and divined the loss that had befallen them. The governor, on his part, showed his sympathy for them, and his own regard for the memory of Montgomery, by interring his remains with military honours.

After this repulse, the besiegers, although greatly weakened, determined to keep the city blockaded, but were obliged to remove to a distance of two to three miles thencefrom. Their situation was becoming very critical; a prey to disease, destitute of provisions, and falling daily in Canadian esteem, they were ever getting more and more dispirited.

The governor, whose numerical superiority was now unquestionable, still determined to maintain the defensive till spring; and decided not to issue from the city ramparts till the arrival of re-inforcements he had solicited from Britain. He rightly feared more the political influence, than the military prowess of the Americans, who remained masters of the open country for some time longer.

The struggle thenceforward would be maintained rather between antagonistic militias, than betwixt the royalists and the troops of the Congress, in the Canadian arena. The general colonial population, as winter terminated, desired to maintain a

neutral part; and demanded that the royalist party should keep quiet, for M. de Beaujeu having assembled, in March, 350 men in the Laurentian parishes of the right bank, below Quebec, in order to assist in the defence of that city,—forthwith a combined corps, Canadian and American, marched against him, surprised his vanguard, killed or wounded several of his men, and would have slain them all, but for the interference of some of their own officers. In this skirmish, fathers fought against sons, brothers against brothers, &c. M. de Beaujeu, finding himself thus opposed, judged it expedient to disband his corps.

Meanwhile, General Schuyler was informed by Arnold of the abortive attempt on Quebec and Montgomery's death, and of his own promotion to the chief command. Schuyler earnestly adjured the Congress to send 3,000 men into Canada at once; adding his opinion, that no fewer number would serve if past losses were to be made up, and the American cause have a chance of triumphing in the province. Washington, who could not detach so many soldiers from his own army without incurring great risks thereby, persuaded the people of Massachusetts, Connecticut, and New Hampshire to send each a regiment into Canada; and as the Congress paper-money did not pass current there, specie was sent instead. Washington also gave orders to raise a force of 1,000 (anti-British) Canadians, in addition to Livingston's corps, and put them in charge of Moses Hazen, who had long resided in the colony.

The Congress also addressed a new proclamation to the Canadians; telling them (*inter alia*), "Such is the fate of all mundane things—the best of causes are ever most exposed to vicissitudes. But the spirit of noble minds, enlightened and inspired by the Sun of Liberty, rises all the higher, to surmount obstacles. Eight battalions are raising, and will soon rush forward to the rescue of your province: if more are wanted, they will be supplied." The Congress conjured the Canadians, once more, to seize the favourable occasion then presented to them, to play a part in the glorious conquest of American independence. It recommended that an association (of malcontents) should be formed in every parish; and that such associations should each elect a proper number of deputies to constitute a provincial as-

sembly of representatives; these to nominate delegates from their own body to sit as Congress-men. But the Canadian people, gradually cooling in their republican tendencies, and continuously influenced by the calming and efficacious advice of the clergy and burgesses,—the latter all of monarchic sentiment,—listened to the words in the Congress' address with an indifference which proved the change that had come over the popular mind since the previous autumn: in fine, the Canadians stirred not, in any direction.

Advised of the prevailing inertia of the Canadian mind, the Congress, by way of stirring it up, resolved to send some of its foremost men as commissioners to the province. The celebrated Franklin, Mr. Chase, and Charles Carroll, all three leading congressionals, were the nominees. The latter, by a special resolution, was solicited to engage his brother, an ex-jesuit (who died bishop of Baltimore in 1815), to accompany the delegation, and exert his influence, as a priestly republican, upon the catholic clergy. The commissioners' instructions, dated March 20, directed them to represent to the Canadians, that their territory had been entered, merely as a means for causing the projects of the British government against colonial freedom to miscarry. The confederated provincials, the commissioners were to observe, trusted not only to baffle the hostile machinations of Governor Carleton, but to extend to the Canadians, whom the Americans regarded as their brothers, the means of assuring their own independence. The interests of the two countries, it would be their duty to urge, were really identical: if the confederation militant obtained, as doubtless it would, recognition of its rights, the Canadians (supposing they joined it) would share in the benefits thence accruing: otherwise, they would remain subject to every tyrannical act which a British ministry should choose to inflict upon them: while, in the former case, they could adopt whatever form of provincial government they considered most befitting—yet still taking rank as an equal member of the North American Union with all the other associated provinces.

The commissioners were to convey an intimation to the Canadians, that their own mother country would certainly not side with Britain in the war against the provincials; that, on the contrary, there was every reason for believing, that the inclination

as well as the interest of the French people led them to live in amity with the Americans, when become independent. The commissioners were enjoined to declare, that the latter held as a sacred principle, every man's right to choose his religious creed for himself; and they were to engage, in name of the whole confederation, that the religion of the Canadians should remain intact; that the rights of their clergy, and those of the spiritual confraternities, would be constantly respected: in a word, that the regulation of everything regarding public worship and ecclesiastical matters should be entirely left at the discretion of a free legislature constituted by the Canadians themselves: conditioned, however, that the catholic majority should not exclude protestants, &c., from filling civil offices, or oblige such to pay tithes, or otherwise be made to contribute to the support of the catholic clergy. Lastly, the commissioners were to demonstrate to the Canadians the necessity of adopting decisive and prompt measures for coming under the protection of the American confederation: giving the Canadian people, at the same time, some notion of the modes in use, over the frontier, for making known the public wishes; also to point out how political and municipal business were best transacted; as, for example, by means of committees of observation and inspection in each township (*arrondissement*), and by means of provincial conventions, and committees of public safety: in order to realizing all which, the commissioners were to urge that the assembling of a convention ought to take place forthwith; along with the establishment of a free press; to be followed by the organization of a new government, the latter afterwards to enter into political partnership with the other independent provinces comprising the North American Union.

The commissioners, thus indoctrinated, left New York city, April 2nd, 1775, but did not reach Montreal till the 29th of that month. Franklin remained there till the 11th and Père Carroll till the 12th of May. The form soon perceived that the quest he was sent on would prove bootless. Personally, he was not an acceptable mediator in the case; for the Canadians could not but remember how eager he was to stimulate the British people to make a conquest of their country, some fifteen years before.

The charge laid on these commissioners was, as we have seen

to engage the Canadians to join in a revolution; but they were also instructed, should they fail in this, to strive at persuading them to remain neutral at least during the struggle, in order to allow military occupation to be taken of the colony without any resistance on their part: a (concealed) after intent being, for the Americans to keep permanent hold of it, with or without the consent of the inhabitants.

While Franklin was working his way as a civil diplomatist, Père Carroll visited a number of the clergy in Montreal and the country places: his success with them was yet less than that of Franklin with the laity. Vainly did he press upon the attention of his brother priests reasons he judged most likely to be of weight, in engaging them to adopt a revolutionary policy. If his reasoning were strong, the practical logic in theirs was yet less controvertible. He was told that ever since the acquisition of Canada by Great Britain, the people had had no one aggression upon their rights to complain of; that, on the contrary, her government had faithfully realized all treaty stipulations; that she had sanctioned, and covered with the ægis of her power, the olden jurisprudence and ancient customary legal practice of Canada: while all this was done with a respectful scrupulosity which really merited grateful acknowledgement. Carroll replied, "the Congress expressly declares, that if the Canadians will but unite with the provinces its members represent, their forms of worship will be respected, and the estates of their clergy be preserved intact: that, if the Canadians rid themselves of British domination, their religion would not be 'tolerated' merely, as it then was, but be put on an equal footing with all other religions." Upon which the priests addressed rejoined, "so far as that goes, the British government has left us nothing to wish for. All our monasteries are now in full possession of their own; our missions are in a flourishing state: why, the military authorities are ordered to do honour to our religious outdoor ceremonies! Upon the principle that fidelity is due for protection, the clergy cannot in conscience decide, that recommending neutrality in the case would be compatible with their duty to the established government." Carroll was then admonished, that in some Anglo-American provinces the catholic religion had not even been tolerated; that the priesthood was prohibited exercising its

functions, under severe penalties; and that missionaries among the savages were treated with rigour and cruelty. The Canadians were not persuaded that these harsh measures were altogether the work of the royal government; for, when catholic interests were in question, the British colonists were by no means forward in vindicating that religious freedom they claimed for themselves. Lastly, there was great contradictoriness between the address of the Congress to the British people, dated October 21, 1774, and that sent, during the same year, to the inhabitants of Canada. The Quebec Act, denounced in the former (it was rightly observed) only recognized the rights of conscience, by guaranteeing to the Canadians the free exercise of their religion, to their clergy the enjoyment of their property and incomes, with a dispensation from the operation of the test acts; yet the Congress, animated by an adverse spirit, had, in its address to the people of Britain, actually demanded a proscription of the religion, laws, and other cherished institutions of the Canadians—in fact, had called for their total abasement. "How, then, after giving expression to sentiments so hostile, can the Canadian clergy put full trust in these words, forming part of the address of Congress to the Canadians: 'We are too well acquainted with the liberality of sentiment distinguishing your nation, to imagine that difference of religion will prejudice you against a hearty amity with us. You know that the transcendent nature of freedom elevates those who unite in her cause, above all such low-minded infirmities. The Swiss cantons furnish a memorable proof of this truth. Their Union is composed of Catholic and Protestant States, living in the utmost concord and peace with one another; [?] and they are thereby enabled, ever since they bravely vindicated their freedom, to defy and defeat every tyrant that has ever invaded them.'"

The inconsistency of the Congress in their addresses, thus brought home to the perceptions of its emissaries, everywhere bore such results as might have been expected to arise out of such self-stultification. When the address to the people of Great Britain, (dated Sept. 5, 1774) was first read, in a numerous meeting of royalists, that part relating to the re-organisation of Canada, and another depicting the evil nature of the religion and usages of the

inhabitants, elicited exclamations of indignation and scorn from all present.

"O the perfidious and slandering Congress!" cried some; adding, "Let us bless our good prince; let us be faithful to a king of that consistent benignity which extends itself to religionists of every kind; let us beware of those who wish us to become disloyal, arriving with false promises in their mouths."

Thus did the solemn protestations of the Congress become discredited, among the people, while the clergy and seigneurs soon resumed their influence over them; for sound polity is based on enlightened plain-dealing, and not on diplomatic finesse or dishonouring subterfuges.

Persons are not wanting who, at the present time, reproach the clergy, seigneurs, and burgesses of that day for a policy denounced as being yet more improvident than selfish. They regret that unjust prejudices should have become means for depriving their compatriots of a tempting opportunity for obtaining independence and freedom, perhaps without shedding a drop of blood; as, had the British been once expelled from the country, they never would have re-entered it. Such cannot imagine how our progenitors could turn a deaf ear to the overtures of the Congress which offered to receive us into its confederation on such conditions as each of the thirteen provinces reclaimed for itself, and no others; namely, leaving to all to adopt such forms of internal government as they chose to establish, provided only that the whole should form a republic, and religious freedom be allowed everywhere. In place of this liberty, thus rejected, what did they or we obtain? it is bitterly demanded: "Why, the despotic system of 1774, in virtue of which a few Canadians were admitted to place, from polity; the constitution of 1791, with a legislature of three branches, over two of which the public could exercise no influence, since both emanated directly from London, while in the executive was vested all real power; finally, the Union of the two Canadas in 1840, effected in view of gradually annihilating our nationality, and subjecting us to a British majority! During this long period of political servitude, unjust treatment, and humiliation, the *personnel* of the executive has always been alien and hostile to the Canadians."

To these animadversions it is replied, with sound reasoning, that it would have been injudicious to take part with insurgent populations which were anything but sure of being able to gain their cause; that, notwithstanding all their promises, it were imprudent for a community of catholics, of French origin, to throw itself into the arms of a confederation of provincials mostly of British race and nearly all protestants; whose representatives, too, had so lately remonstrated both against the religious tolerance of their mother country in our behalf, as well as the consideration her government had manifested for our other institutions and usages; that, to cut the matter short, prudential considerations, as well as a loyal feeling, founded on the rational basis of gratitude for royal grace, bound our forefathers to adhere to the prince (whose domination had been indeed imposed upon them), rather than run the risk of faring worse as a member of an Anglo-American republic (should such be established): for, after all, there were worse conditions than that of living under the supremacy of a European monarchy, powerful to protect.

We return to the progression of passing events.—Governor Carleton, as already noted, concluded to await the arrival of succours from Britain before quitting his fastness of Quebec; though he might easily have swept away from its environs all his remanent enemies, after the repulse of Dec. 31; and probably have constrained them to quit the country entirely. His inaction gave the invaders time to rally; and to General Schuyler, who commanded on the Canadian frontier, an opportunity for sending in re-inforcements, which he was not slow to avail himself of.—General Wooster, who took the chief command at Quebec, in place of Colonel Arnold, set about erecting new batteries to play on the city. He constructed one at Pointe-Lévi, and another on the Buttes-à-Neveu; but neither proved effective.

Wooster was superseded, in May 1776, by General Thomas, who found only 1,600 effective men at his disposition, although 1,900 were entered on his muster-rolls. Privation, exhaustion, and the small-pox, kept the rest laid up. It had been resolved, in a council-of-war holden at Montreal, to fortify the right bank of the river Jacques-Cartier, and to build some gun-boats at Chambly; but as matters then stood, the project could not be realized.

Men, ammunition, stores of all kinds, were deficient; but six days' provisions remained, and the growing unfriendliness of the Canadians made it difficult to obtain subsistence through their means for the American forces. In this discouraging posture of affairs, Thomas began to think of retreating; but still would not leave without making a parting attempt against the city; resorting, however to a device which could have no chance of success. He launched a fire-ship against the shipping which had wintered in the port, hoping that the conflagration it was intended to create would so attract and detain the attention of the garrison, that his own men would be able to near the city unawares, surmount its works, and take the place by surprise. The fire-ship never reached the shipping, and burnt itself out; and while this combustion was in process, the arrival of vessels from Britain below the city was signalled. The moment was critical: Thomas hardly had time allowed him to embark his artillery and invalids, before the governor issued from Quebec with 1,000 men and six field-pieces, to pursue him. The American rear-guard was attained, and a skirmish ensued, which ended by leaving in British hands the enemy's whole artillery, stores and baggage, with more than 200 sick and wounded. The Americans in advance, who threw away their arms to enable them to run the faster, suffered cruelly in their retreat. Many would have perished but for the compassionating humanity of the Canadians, who gave them food and coverings.

They halted not till they arrived at Sorel, where their general died of small-pox. After hanging upon their skirts for some time, Carleton retraced his steps; and returned to the city, sent thence detachments to pick up straggling enemies, arrest colonists who had joined the Americans and fire their houses; for the British, who spared from destruction the property of insurgents in the Anglo-American colonies, followed their ancient practice with respect to Canada, and its foreign-derived race. As in 1759, they now marched torch in hand.

The Congress had hastened the march of a re-inforcement for General Thomas, to enable him to keep hold of a part of the country at least. By the end of May, the Americans were about 4,000 strong in the district of Montreal; but they were so ill

provided with proper means of subsistence by the Congress, that their officers allowed them to take grain by force from the dealers, when the latter refused to take their written promises to pay. This measure was approved of by the resident commissioners, Carroll and Chase, who justified it to the Congress afterwards, declaring that, had not this violent expedient been employed, a general plunder by the men would have ensued; while the resistance of the people, on the other hand, would have led to scenes of bloodshed. Before the month closed (May), these two agents left Montreal and returned home. Passing through St. John's, they met General Sullivan, leading a fresh corps, for Canada, of 1,400 men; which increased the American force in the colony to 5,400. But still it was not strong enough to confront the British at this time, who had been largely re-inforced, from the mother country, then in a state of great excitement against its revolted provincials.

The aspect of colonial affairs had led to the resignation of some of the British ministers, though a great majority in the legislature had voted for suppressing the rebellion by military force. Fearing that desertions might take place among the regulars, seeing that several ex-British officers commanded the soldiers embodied by Congress, a treaty was entered into with the Duke of Brunswick, and some other petty sovereign princes in Germany, for the loan of an auxiliary corps 15,000 or 16,000 strong; a band of unsympathetic mercenaries not likely to be an effective instrument of repression in the paymasters' hands. A division of these troops, under generals Riedesell and Specht, was embarked for Canada, along with ten British battalions and some artillerymen; in all a corps 7 to 8 thousand strong, and commanded by General Burgoyne. Arrived at Quebec, this army was split into detachments, which were stationed at intervals, on the banks of the St. Lawrence, between the capital and Trois-Rivières; but all ready to act, in concert or otherwise, on signal given. The American General Sullivan, posted at Sorel, in espial of the royalists' movements, thinking he would be easily able to capture Trois-Rivières, if it were attacked before relief could arrive from below, embarked 1,800 men, under charge of General Thompson, with orders to cross Lake St. Peter and land at Pointe-du-Lac.

News of this descent was brought to the town, June 8, at 4 A. M., by a captain of militia. Forthwith the troops in the place, and those in port just arrived from Quebec, were conjoined, and sent against the enemy. By the way, a number of Canadians came and swelled the British ranks; so that the collective force was greater than that of the invaders, besides possessing artillery, which they wanted. The latter were encountered near a wood, 1½ mile distant from Trois-Rivières, and, after an obstinate struggle with the British vanguard, were thrown back on another antagonistic corps, which outflanked and drove them into a marshy wood to the north of Lake St. Peter. Their General and 200 of his men were taken prisoners; and the rest took to flight, but did not reach head-quarters till some days afterwards.

The British vanguard moved, on the 14th, to Sorel, which Sullivan evacuated and retreated to Chambly. Burgoyne, with the main army, followed slowly, picking up as many Canadian volunteers as offered themselves. Sullivan, on finding the British in chase, set fire to Fort Chambly and retrograded to St. John's, whither Arnold had just come, with the American garrison of Montreal; after being nearly taken in the net by Governor Carleton, who reached Varennes unawares, by ascending the right bank of the flood. The Americans, having burnt Fort St. John, fell back successively on Isle-aux-Noix, Crown-Point, and Ticonderoga; thus concluding an eight months' campaign of checkered fortunes, varying according to the dispositions, favouring or unfavouring, of the Canadians. Some time before, fully 500 Americans entrenched at the Cedars, on the right bank of the Ottawa, surrendered to Captain Foster, who attacked them with a force somewhat fewer. This loss, which involved the massacre of several prisoners by the savages, was sensibly felt by the Americans, who attributed it to the cowardice of their chief. The post was, besides, of some importance to them, on account of its neighbourhood to the native tribes.

Carleton, after driving the Americans from the frontiers of Canada, judging that the next important step to be taken was to secure British mastery on Lake Champlain, set about launching a flotilla on it, for that purpose. Three armed vessels, the parts of which were sent from England, were put together; while 20

gun-boats, with other small craft, were collected or built, and the whole put in charge of Captain Pringle. The Americans, on their part, armed two corvettes, two brigantines, and a dozen smaller vessels; which were put in charge of Arnold, with directions to obtain the control of the lake if he could. The two flotillas met on the 11th of October, under the lee of Valcourt island; and, after a stiff contest, Pringle was fain to draw off. Arnold, though victorious, lost two vessels in the encounter; and his force being now inferior to the British, he determined to take present shelter under the guns of the fort at Crown-Point; but intercepted on his way thither two days afterwards, by the British flotilla, a second action took place, when he was completely defeated, and all his vessels taken or destroyed but four. The American land-force, thereby left unprotected at Crown-Point, blew up the fort, and retreated up the lake.

The yearly campaign was now drawing to an end. Carleton returned to St. John's, and thence descended the Richelieu and St. Lawrence, to Quebec. The British army took up winter-quarters, being cantoned, at intervals, in a line extending from Isle-aux-Noix to the capital. The men were billeted on the houses of the rural population, royalist and malcontent alike, paying for nothing, all compensation being denied therefor.*

The British were less lucky in the southern colonies, where three operations were to be carried out by direction of the cabinet. The troops were repulsed at Charleston, which it was intended should be besieged, and obliged to abandon Carolina. They were forced to evacuate Boston also. An important victory gained by Lord Howe at Long-Island, with much loss to the Americans, followed by their evacuation of New York and retreat behind the Delaware, was counterbalanced by the success of General Washington, who avenged the defeat of Long-Island, first by the

* Thus we understand M. Garneau's meaning, as Englished in the above passage; but, lest the drift of it may have been misapprehended, his text is subjoined: "Elle (*l'armée anglaise*) fut logée chez les cultivateurs, où elle vécut à discrétion, traitant les royalistes et les républicains militairement, et sans qu'ils pussent obtenir justice."—No authority is given for making this highly incriminating charge against the government of that day; and such ought to be called for.—*B.*

victory of Trenton, where he took 1,000 prisoners; next by a second advantage he gained on the neighbouring heights; lastly, by the dispersion of a royalist corps at Stony-Brook, where he took 800 prisoners more, and some cannon: insomuch that, a balance being struck, the cause of independence was found to have gained more than it lost, in the campaign of 1776.

While Britain was thus acting in the field, she sent commissioners to offer terms to the insurgents. Their chiefs, fearing the seductions of the government, thought the time was come for breaking with the mother country altogether. The Congress began formal separation by a manifesto, giving a detailed exposition of the colonial grievances. This document created an immense sensation. Shortly afterwards, the congress ordered a heavy impression to be printed of a tract entitled *Common Sense*, written by Thomas Paine; it was a publication full of bitter sarcasms against monarchic sway, and denunciations of the tyranny of domination from a distance. This work, too, had a great effect, for it put the American royalist party out of countenance; while it spurred on the republicans to action, and decided those who were hesitating which party to take, to join the latter. The public mind being thus affected, Mr. Lee proposed, June 7, 1776, to proclaim the independence of (British) America. The votes for and against this decisive act were at first equal; but, next day, a majority decided that it should take place. The Congress then constituted itself into a "house of representatives of the United States of America," and, July 4 ensuing, published the Declaration of Independence, by which the thirteen Anglo-American provinces renounced for ever the jurisdiction of the government of Great Britain. Thus terminated the second part of the sanguinary drama, the first scenes in which were the campaignings in the New World during the Seven Years' War.

General Burgoyne, about this time, returned to England, to concert with the British ministry a plan of operations for the ensuing year. This was an ambitious officer, who had more self-sufficiency than his military talents justified. The political party he belonged to took occasion, from some easy successes he gained in Portugal, to exalt his merits to the utmost; a factitious reputation which afterwards made his signal discomfiture and surrender

at Saratoga, become all the more discreditable to the government which selected him for a chief command.

The project adopted by the British cabinet was, to cause the Canadian army to advance into the province of New York, and form a junction, at Albany, with the corps under Gen. Howe; thereby separating New England from the southern provinces in revolt. Burgoyne proposed, that in case a coalescing movement on the Hudson line were found impracticable or too hazardous, he should be allowed the double option either of descending the Connecticut valley, or else of embarking the Canadian army, and coming round to the junction point by water. This alternative was rejected by the ministry, and that plan adhered to as aforesaid.

It is notorious that George III was of all men in Britain the most determined to subdue the Americans. The difficulty of carrying out hostile intents led to several ministerial changes; but Lord North, says Gibbon in his *Memoirs*, supported on one side by the majestic intellect of Thurlow, and on the other by the subtle eloquence of Wedderburne, stuck to the helm of state; while the houses of parliament showed a disposition to back his coercive policy against the insurgent provincials. Majorities granted, at his demand, ships, soldiers, and subsidies, despite the vehement remonstrances of the party in opposition, "For these three years past," demanded Lord Chatham, "what successes have we achieved? We have captured a few armed posts, all the while teaching our adversaries how to carry on war. Take my advice: hasten to redress the grievances of the Americans; listen to their complaints; above all, recognize their right to tax themselves by their own representatives, and not by ours. This recognition will act as a talisman for procuring a truce, preliminary to obtaining a peaceful accommodation with them. If we continue the war, if we march to encounter them within cannon-range of the French, they will open a battery, masked as yet, which will blow every British soldier from the American soil."

If Lord Chatham hated France, quite as much did Choiseul

* The author must mean that the commons "voted" in the sense indicated, for the lords have next to nothing to do with the supplies.—*B.*

dislike Britain. One desire above all others possessed the duke's mind since signing the treaty of 1763,—that of avenging the humiliation of France, inflicted by its articles. Although not now in the ministry, he yet ruled it through the ascendancy he had gained over queen Marie-Antoinette. By the force of his will and great personal efforts, he endowed his country with a redoubtable navy; and, notwithstanding the opposition of some of the ministers, he succeeded in persuading the indolent king to take part with the American insurgents. Towards the close of 1775, Lee opened a secret correspondence with a merchant at the Hague, named Dumas. He had an interview afterwards in London with the French ambassador and M. de Beaumarchais, the latter of whom declared that the French government was willing to furnish arms, ammunition, and money, to the extent of nearly five million francs (£200,000 sterling).* It is reported that M. de Vergennes wished to turn the crisis to account by re-conquering Cape-Breton, Canada and Louisiana; but that the other ministers did not relish the proposal. The surviving officers who served in the last Gallo-Canadian war all manifested a desire to resume their arms for another; the chevalier de Lévis, in especial, offered his services. An army only 10,000 strong, they said, would suffice to regain the lost American possessions for France; for every adult Canadian, freed from his

* Beaumarchais, author of *Le Mariage de Figaro*, &c. it is confidently said, was, through his selfish spirit and subtlety as an intriguer, not only the prime mover, but the actual realizer of the French alliance with the United States leaders. He had become a commercial speculator, on a large scale, in America; heavy sums were due to him in the British provinces, and payment for the bills given in return was suspended owing to the outbreak of insurrections. If it were put down, every sou of the debt would pobably have been lost; hence he put many *wheels* in movement (he was the son of a watchmaker) to sustain the revolutionists in their attempt. He was a handsome man, had showy parts and fascinating manners, Though a parvenu, and a derider of kings and nobles, he was a favourite at court, to which he found entry, at first, as a musical assistant to the daughters of Louis XV. It was he, rather than De Choiseul, who had exercised a dangerous influence over the mind of the amiable, but rather giddy-headed consort of the gentle and just Louis XVI. Beaumarchais accumulated an enormous fortune, and most of it by not irreprehensible means. See *Mémoire et Correspondence du Prince de Ligne*—B.

allegiance to an alien king, resumed, in right of birth, fealty to the monarchs of his own race: only distribute 30,000 stand of arms among the Canadians, it was asserted, and the French legion of 10,000 sent out would forthwith become a quadrupled army of 40,000 men. With such a force, how could the proposed enterprise fail.

It was then that there appeared in London a posthumous volume of letters written by M. de Montcalm, addressed to Messrs. Berryer and Molé, in which the French general predicted, in advance, the loss of Canada and the American revolution. He wrote to his cousin, M. de Berryer, Aug. 24, 1759,* "I shall

* This letter is copied from a pamphlet published at Gibraltar by Colonel Beatson, of the Royal Engineers, and entitled, "The Plains of Abraham; with Notes, original and selected." M. de Faribault, to whom the author sent a copy of his performance, has been kind enough to make it known to me. The letter also forms part of the illustrative pieces in Major Warburton's *Conquest of Canada*, published in 1849. Eliot Warburton found it in a publication, (professing to be a collection of genuine) "Letters of the Marquis de Montcalm, G. G. in Canada, to Messrs. de Berryer and de la Molé, in 1757-1759: London 1777." Mr. Warburton gives some extracts from other letters, in which it appears that Montcalm kept up a secret correspondence with the British colonists. How did those letters reach London? Who published them, and what was the aim of their editor? We know not. M. Faribault has cited them in his catalogue, as entered in an old trade-list of London books; but he has never understood that the letters (in print) ever reached Canada. The letters are also mentioned in O. Rich's *Bibliotheca Americana Nova* (London and New York, 1855), "Letters from the Marquis de Montcalm, Governor-general of Canada, to Messrs. Berryer and de la Molé, in the years 1757-8-9, with an English translation.—If these letters are genuine," Rich adds, "they show that M. de Montcalm had a very correct presentiment of what would be the consequences of attempting to tax the colonies." [There is "much virtue in IF," says *Touchstone*, and the catalogue-maker's caution is commendable; there is a simplicity in it worthy of the celebrated commentator of *Gulliver's Travels*, who opined that a few of Lemuel's most startling statements lacked the sacrament of confirmation. The Montcalm letters are just as authentic as the speculations of (Admiral) *Hosier's Ghost*, Rowe's *Letters from the Dead to the Living*, or other like figments, but were not nearly so well got up; bearing upon them the unmistakeable stamp of the Grub-street garret literature of A.D. 1777.—*B.*

console myself for my defeat and the loss of the colony, by the inward persuasion I have, that the defeat I foresee will one day be of more value to my country than a victory; and that the victor, in aggrandizing himself, will be buried under his acquired spoils."

If there is anything to reproach Montcalm with, there was at least no want of courage or patriotism in him.

His letters contain, in regard of the secret intentions of the British colonists, notifications (*renseignements*) worthy of being made known. Those colonists manifested a rabid hostility against Canada, only in view of obtaining more promptly their own independence. Thus discoursed the marquis:—

"I know them (the Americans) well, not from reports of them by strangers, but through secret correspondence and private information which I have kept up and procured (*ménagées*); all which I may some day be able (God sparing me life), to turn to my country's advantage. To crown the good fortune of these people, every colonist is in a thriving way of life; they are numerous, too, as well as rich; they find within themselves all necessaries and commodities of life. Old England has been heedless and silly enough to allow them to manufacture for themselves, thus breaking the chain which bound them, by means of their daily wants, to the mother country, and made them dependent on her. Therefore it is, that the Anglo-American colonies, each become a self-sufficing province, would have, long since, repudiated British domination and declared their independence, but for the constant fear of the French, always at their skirts, and ready to come down upon them in force. If masters they must have, they preferred to have them of their own rather than an alien race: taking special care, however, to bend to their compulsion as little as possible. But let Canada once be conquered, the Canadians thereby becoming as one people with them, and Old England still continuing to assert her supremacy over them in any marked way, can you believe that they would longer submit to it? After all, what risk would they run, in revolting?

* * * * * * * * * *

"I cannot, however, disguise from myself the truth, that Old England, were she wisely politic, could always keep in hand a

ready means of bringing her American colonists to reason. Canada, in point of riches, power, or numbers of people, is insignificant, compared with the solid mass of British America; but the valour, the industry, the fidelity of its inhabitants, so well supply such deficiencies, that for a century back the latter have fought with success against the whole of those British provincials. Ten Canadians are a match for a hundred of them; daily experience proves that fact.—Now, if Old England, after conquering Canada, only knew how to attach its people to her by benefits, and thereby bound them to her interests alone; if she would leave them in possession of their religion, their laws, customs, and ancient form of government—then Canada, differing on all points, from the other colonies, would always remain an isolated dependency, and never care to amalgamate with the Anglo-American colonies..... But such is not the wise polity of the British. When they conquer any country, they must (forsooth) change its government; they carry thither their laws, their habitudes, &c., &c. I am as sure as I am now writing these words, that in ten years' time, or sooner, after the conquest of Canada, all I have divined will come to pass.—Therefore it is (as I set out with observing) that, as a true Frenchman, I reconcile myself to the imminent danger my country now incurs, of seeing this, her greatest colony, fall into alien hands."*

Never was a coming revolution predicted with so much precision, and never did Britain receive better counsel for the proper treatment of the French-Canadians, whose nationality she obstinately wished to destroy, consentiently to the like clamours the British colonists of our own time have borrowed from those of that day. Montcalm taught Britain that, while combating the French, the Americans were already seeking to draw up with them, in order (at a future and not distant date) to make a common fight of it, and expel the British from the New World.*

* Everything this letter contains appears to be so extraordinary, if we advert to the time when it was written, that a doubt unwarily arises (*on se surprend à douter*) of its authenticity. Montcalm announces with so much precision the events which were to and did happen, that we hesitate to put faith in what was rather a prophecy than a prediction.

Those French ministers opposed to intervention, became so because they feared that, after throwing off the British yoke, the revolted provinces would become afterwards strong enough to give the law to France and Spain in every part of America, and be ready to invade the possessions of either or both at any unexpected moment.* Although forecasting the future, they did not yet anticipate the rapid progression of coming events in the New World. Meanwhile, the overtures of Beaumarchais were no sooner made known to Congress, than its congress hastened to send one of their body, Silas Deane, to Paris, with instructions to enter into a direct negociation with the French cabinet. After a thousand obstacles of every kind, the promised aid was despatched to the Americans; whose cause became so popular in France, that the young Marquis de Lafayette and several other youthful nobles embarked to offer their services as volunteers to the insurgent chiefs. Franklin, Deane, and Lee, were officially recognized as resident American commissioners at the Court of Louis XVI. The known kindly disposition of this prince, and the hope of further succour from his subjects, mightily heartened the young republic to maintain the struggle going on.

Meantime, general Burgoyne returned to Quebec, early in 1777. What was passing in France might make it doubly advisable for Britain to multiply her efforts to bring the contest to an issue; Burgoyne, accordingly, made prompt preparations for taking the field. The governor, retaining only 3,000 men for the defence of Canada, put all the other forces therein (about 8,500 soldiers and 500 savages) at the disposition of Bourgoyne; who was to invade the province of New York (on its upper side) and strive to effect a junction, at Albany, with the army of general Howe. The former body rendezvoused at Crown-Point, June 30, along with a considerable park of artillery. There was an intent to adjoin to the British regulars a great number of auxiliary Cana-

This much is certain, that the letter was published in 1777; namely, four years prior to the assumed triumph of the American revolution; and the exactness of the facts, with the wisdom of the polity it expounds, merit its taking a place in the history of the time.

* Historical and Political Memoir on Louisiana, by M. de Vergennes, minister of Louis XVI, published in 1802.

dians, but only 150 inhabitants came forward as fighting volunteers,—so inert were our people when called on to combat alien republicanism in revolution. Still, the inhabitants were not allowed to escape the enforced labours, though unwilling to encounter the perils, of war: 1,200 of them were impressed to work on military roads, to row barges, &c.; to turn out, in autumn, and under penalties for refusal, to extricate vessels and boats from the ice, conduct them up the flood, to places 300 miles beyond—all without any remuneration whatever. Only the British-born colonists were exempted from this burden.* Burgoyne began his march early in July. On the 6th of that month, Ticonderoga and Mount Independence fell into his power; along with 128 cannon, several armed vessels, a quantity of baggage, ammunition, and provisions. This easy conquest inflamed his imagination. His confidence in his own capacity, and reliance on the bravery of his troops, now knew no bounds. After giving orders for a portion of his army and his baggage to follow the route of Lake George, leaving that lake on his left with the rest of his force and 42 field-pieces he pushed on towards South Bay (*le Grand Marais*) and Skeensborough. By the way, general Fraser's corps routed the Americans at Huberton. Next day the British van, under general Phillips, reached Fort Anne, and beat the provincials in another combat, which obliged them to evacuate the place, they setting fire to the fort before they left. On the way to Fort Edward, whither they retreated, they also cut up the roads and destroyed the bridges. General Putnam now arrived at Fort Edward, with a large body of fresh troops. Hither Gen. Burgoyne had ordered his separated detachments to rendezvous, but his collective force did not reach till a month afterwards, owing to the obstructions, above-mentioned, put in his way by the Americans. Finally, he reached Fort Edward on the 28th of July.

While Burgoyne thus operated in the upper valley of the Hudson, colonel St. Leger was to make a diversion, in another direction, at the head of 800 regulars and militiamen, with a band of

* Another unaccredited incrimination of the British authorities; a bit of inculpating requiring corroboration before being receivable as evidence.—*B.*

savages for auxiliaries. He was ordered to ascend the St. Lawrence and lake Ontario to Oswego, to capture Fort Stanwix, built in 1758, on the site of the present petty place called Rome, in Oneida county; then to descend the Mohawk river, and rejoin Burgoyne at Albany. Accordingly, Aug. 3, he arrived before Fort Stanwix, which he at once invested.* The siege became tedious, though (August 6) he repulsed an insurgent corps 800 strong, under general Herkimer, who came to relieve the place. St. Leger was here abandoned by the savages; and such a panic ensued among his troops, that they fled in the utmost precipitation; insomuch that captain Leroult, in charging an outpost garrisoned by the Canadian royalists, had scarcely time allowed him to draw off his men and flee with the rest.

News of this sudden retreat spread slowly. General Schuyler, not being in force sufficient to confront Burgoyne, and fearing the descent of St. Leger's corps on his rear, burnt the American flotilla on Lake George, and quitted the fort dominating the lake-head. He then retreated, first to Stillwater on the right bank of the Hudson, and next into Van Schaick's Isle, at the mouth of the Mohawk, where he entrenched his army. Burgoyne wishing to pursue his enemies, while their ranks were in disorder, and the men disheartened, sent colonel Baume, with 500 men, charging him to penetrate the interior, ravage the country, revive the courage of the royalist party by his presence, arrest Congress functionaries, and levy contributions on the towns. This officer reached Bennington, where the Americans had their chief magazines; but on the 16th his corps was surrounded by general Stark with a force superior in numbers. After a fight of two hours, early in which his savages left, Baume was killed, and all his men slaughtered or dispersed. Colonel Breynan, sent to his aid with a strong corps, had scarcely rallied a few of the fugitives, when he was attacked in turn by the Americans, now also reinforced. His ammunition failing, Breynan was fain to retreat, leaving his artillery behind. These two combats, in which the British lost 700 men taken prisoner, were but preludes to greater disasters immediately

* Despatch from St. Leger to Burgoyne.—An original and corrected Account of Burgoyne's Campaign, by Charles Neilson.

occurring to Burgoyne's army. Even already, posted as he was on the river Battenkill, the Americans had cut into his proper line of operation. This being the case, the insurgents were left free to surprise all the British posts on lake George down to its issue at Ticonderoga. They also captured an armed brig, some gunboats, and more than 200 bateaux. Concurrently, general Gates, upon whom now devolved the chief command on this frontier, advanced again to Stillwater, occupied Braemar heights, and there fortified himself. Hither resorted militiamen from all parts, to his great increase of numbers. A yet more important arrival (perhaps) in Gates's camp was that of the Polish patriot, Kosciusko, who had repaired to the States to serve, as a volunteer, the cause of liberty.*

During this time Burgoyne kept always advancing. Having crossed the Hudson, he was proceeding slowly towards Albany, when he was stopped by the intrenchments of Gates on Braemar heights. A fight ensued at Freeman's Farm, September 19, which ended finally in favour of the British; the loss being pretty equal (300 to 400) on each side. The victory was indecisive; it did not hearten Burgoyne to assail the enemy's intrenched camp which he before hesitated to confront. To stand still with a body of regulars before an intrenched militia corps, was a fault in itself; for delays would enable the latter to receive reinforcements and strengthen their defensive works; above all, their opponents' hesitation gave them confidence in themselves. Burgoyne remained in his position before the intrenchments till the 7th of October; when a scarcity of provisions in his camp obliged him to leave it and try his fortune in fight. The victory was obstinately contended for; but at length the British were thrust back to their lines,

* It would be well had the author been able to inform us what kind of "liberty," the Polish hero cherished in his heart. The freedom he fought for at home was the right *not* divine of himself and fellow aristocrats to tyrannise over the people and middle classes of Poland; at the same time said feudalry refusing to pay any taxes whatever, even local imposts, such as keeping up roads and bridges, or ferriage or pontages, maintained at private cost. Yet here we find him coming in aid of a people who were in arms to resist the merest feather-weight of taxation comparative even unto death. Such is human, and more especially "heroic" inconsistency!—*E.*

one portion of which was carried by the intrepid Arnold. Night alone put an end to the combat, and saved the remains of the defeated army, which had already incurred a loss of 700 men. Had day-light served, Burgoyne would have been crushed under superior numbers. Intelligence of St. Leger's retreat arrived at the heels of this repulse, and extinguished the last spark of hope in the heart of the British army. It was time for Burgoyne to flee; there was not a moment to lose: already his army was in a perilous position, for lake George, then in his rear, was under the enemy's mastery. In the evening of the next day, leaving his sick and wounded at the mercy of the provincials, and letting his tents stand, with watch-fires burning, the better to mask his retreat, he caused his forces to retrograde in obscurity and silence. It was a humiliation thus to retreat, in a general who vaunted, while crossing the Hudson, that "Britons never turn their backs!" Hotly pursued, his army was reached and surrounded on Saratoga heights, October 16, when his whole forces, still 5,800 strong, surrendered, and were sent captive to Boston. There they remained prisoners a long time; for the Americans would not allow them to be embarked for Britain till the terms of surrender should be ratified by the British government, and the ministry delayed to sanction a capitulation which it regarded even less dishonouring to the mother country, than inexpedient to be recognized, as by so doing it would be putting an insurrectional on the same footing as a regularly constituted government.

The conduct of Burgoyne, which was characterized as at once rash and cowardly, became a subject for investigation before parliament in 1779; but the influence of his political friends in the legislature was so potent, that the ministry soon gave up the inquiry. The general was inclined to throw the blame of his failure upon the Canadians; but there were in his army 8,000 Britons and only 148 combatants of our nation, most of whom, too, were killed or captured in the affair of Bennington. Burgoyne also complained, in no measured terms, of the conduct of M. de St. Luc, who commanded the savages. That officer, however, easily repelled the animadversions of a man who was a better talker than leader.

As we have already seen, it was the unmistakeable wish of the

Canadians to remain neutral during the contest between the United States and the mother country. In vain did the Congress once again press them to take part in the struggle; bootlessly Washington reinforced these solicitations by his powers of persuasion: the Canadians remained insensible to these and all other appeals of a like kind. Count d'Estaing, chief admiral of the French fleet cruising on the American seaboard in 1778, had no more success than other appellants, while recalling to Canadian remembrance the natural ties which bound them to the race they sprang from.

His words, wafted from the Ocean, found no responsive echo in Canadian cottages, wherein no fond remembrances of the past, the excitement at the first intelligence of the American revolution having fairly subsided, had any stirring effect. In truth, the call thus addressed to their inmates only served to confirm them in a determination to let the British and the Anglo-Americans settle their differences how they pleased; for the inhabitants still looked upon the latter as their oldest and worst enemies. The reproachful saying of Lafayette, spoken to the Canadian officers kept prisoners at Boston, was therefore rightly applicable only to those of our country who took up arms in the royalist cause: "What! you elect to fight, in order to maintain your subordination as colonists, instead of accepting and vindicating the independence which has been offered you? Remain, then, ever the slaves ye now are!"

CHAPTER II.

THE LEGISLATIVE COUNCIL.

1777–1792.

Legislative Council: the war causes its sittings to be adjourned till the year 1777.—Composition of this body; its labours and unanimity. —It concerns itself with the administration of justice, regulation of the militia, &c.—Popular discontents.—General Haldimand replaces Governor Carleton.—Policy of the new Governor.—Made apprehensive by the successes of the Americans, he governs Canada by intimidation and terror till the year 1784.—Corruption of the tribunals and nullity of the council.—France openly recognizes the United States (1778), and sends succours to the Americans.—Debates on this subject in the British parliament.—Spain and Holland follow the lead of France.—Destruction of the Iroquois cantons.—Capitulation of the British army at York-town.—Britain recognizes the independence of the United States.—Loss of territory for Canada.—General Haldimand remits the reins of government to Carleton (1784).—Du Calvet cites the former before the British supreme courts.—Notices of Du Calvet's book, *Appel à la Justice de l'Etat*.—Agitation in Canada; public meetings.—Petitions for and against representative institutions.—Inquests made at the governor's instance, regarding the administration of justice, the militia, agriculture, commerce, education, &c.—Attempt of Judge Smith to substitute British for French jurisprudence.—New territorial divisions of Canada.—Petitions transmitted to Britain.—Interposition of London merchants in favour of the Anglo-Canadian party.—Intrigues.—Division of the Canadians into constitutionalists and anti-constitutionalists.—Project for a constitution, sent by Mr. Grenville to Carleton, by this time created Lord Dorchester, who repairs to London in 1791.—Pitt introduces said project to parliament.—Debates thereupon, in which Messrs. Pitt, Burke, Fox, and Grenville take part.—The project is adopted, without a division, in both houses.—Articles of the new constitution; by which Canada is divided into two provinces.—Lieut.-governor Clark proclaimes the constitution in the Canadas; ceremonial observances, and rejoicings on its account, in Quebec and Montreal.

If Carleton had some cause for offence at the eagerness of General Burgoyne, he was signally avenged by the failure of the campaign which he was superseded in the honour of directing.

Thereby deprived of the military employment he greatly coveted, he set about improving the civil administration of Canada, which needed numerous ameliorations. The war had prevented the legislative body, throughout the year 1776, from exercising its allotted functions; it was reconvoked, for the despatch of business in 1777.

The session was laborious, but calm, as was to be expected from the proceedings of a body whose members were all nominees of the crown, and nearly all its most docile creatures. In presence of the civil war raging in the other colonies, the legislative council took good care to manifest no opposition to the will of the home government, and almost every measure submitted to it passed with edifying unanimity. In fact, this body was rather a council of state than a legislative chamber. It sat, too, with closed doors.* In 1784, several citizens knocked in vain at its portals to be admitted to hear its discussions; after a deliberation and voting on the subject, their request was refused. Both languages were employed in the debatings, and the laws agreed to were drawn up in French and English; but of the 23 members composing the council in the year 1777, eight only were Canadians. The others were functionaries, who laboured with prodigious activity to obtain a multiplicity of employments for themselves, and to monopolize large parcels of public lands;† or else traders not born in Canada, who had only a commercial and temporary interest in the country. Each received a salary from the government. *Seigneurs* in place claimed, as men of noble rank, all sorts of aristocratic privileges, including exemption from statute labour (*corvées*), and billetting of troops in their dwellings.

* The councillor's oath contained these words: "(I swear) to keep close and secret all such matters as shall be treated, debated, and resolved in council, without disclosing or publishing the same or any part thereof." Some members, Mr. Finlay, for instance, pretended, in 1784, that this oath bound the members as executive councillors, yet not as legislative councillors: but this pretension was not allowed.

† The minutes (*procès-verbaux*) of council are filled with demands for grants of lands, or riverain ground-plots in the towns. One individual asked for the palace of the Intendancy to be assigned to him. Ever since the estates of the Jesuits had been promised to Lord Amherst, there was no end of applications for land grants.

They were always in opposition to the people's interests, when these interfered in any way with their own immunities. Brought up, so to speak, in camps, they understood governing only on military principles, and vindicated passionately, without further questioning, the behests of power in all cases where their own intitutions or nationality were not compromised; their maxim being, "If the king wills it so, the law must not say No!" Although abandoned by most part of their tenants (*censitaires*) during the American invasion, they never ceased to manifest their own fidelity to British supremacy. The trading placemen, antagonistic, to a man, to the Canadians for reasons already explained, sprang from the most part from the emigrant ranks of which General Murray drew so unfavourable a portrait in his correspondence. Their training, without being so distinguished as that of the seigneurs, was not devoid of that experience and practice in public business which enables a people to turn to account free governmental institutions. Proud of their aptness at exercising functions (*petit vernis de savoir-faire*), they put on airs of importance and pride, which the seigneurs would make a mock of afterwards, in the privacy of their manors. The latter, in sederunt side by side with such colleagues, used to laugh in their sleeves on seeing vulgar democrats from Old England transformed, in a twinkling, into disdainful aristocrats in Canada, and assuming a mien not in keeping either with their natural parts or education. They already beheld, also, certain of these men, possessed by ambitious aspirations, first hotly defend the interests of the people, and became as inimical to the popular well-being, as soon as their own turn was served by sinister means; they saw others accuse the Canadians of rebellion against the government, while they were, underhand, themselves assuring the friends of the American cause that their own desire was to see it triumph. Such were those persons who left Quebec at the approach of the republicans, in 1775.

These two classes of individuals, confronted each with the other through British polity, would have cut out troublesome work for the home authorities, had either of them set itself to combat that polity: but the choice [of functionaries?] had been

made in such a way, that a kind of enforced harmony prevailed.* The sympathies of the seigneurs being all in favour of the royal authority, the British party found itself in too decided a majority in council to have any reasonable motives for complaining of their share of legislative power. As for the pure and exclusive interests of the people, they were not represented at all; and, in 1777, the seigneurs, possibly out of pique at the Canadians for refusing, at their instance, to take up arms against the republican invaders, —and the British councillors, from national antipathy,—all in conjunction passed laws bearing an impress of such tyranny as was without example in any former time.

The composition of the majority in the legislative body became therefore a pledge for the obedience and submission of all. Sixteen ordinances were passed in the first session. The most important had reference to the militia, and the administration of justice. English commercial jurisprudence was adopted for Canada, in conformity with ministerial order.

The council confirmed the legal jurisdictions already existing, with a few changes in their attributions, and the addition of a court of probate, for the verification of wills and regulating successions. The council also constituted itself a court of appeal, with an after power of appeal from its decisions to the king's privy council in last resort. Besides these tribunals, the governor was empowered to warrant the opening of (special) courts of oyer and terminer when expedient; and power was given to the justices of peace (*magistrats*) in quarter sessions, to take cognisance of petty crimes.

The militia ordinances contained several tyrannical articles, against which the people were not slow in complaining. Our conquerors had the most false ideas regarding the governing system (*le régime*) which subsisted while the colony was French.

* Not being certain that we have caught the author's meaning in the above passage, which was barely intelligible when Englished literally, his text is subjoined:—"Ces deux classes d'hommes, mises en présence par l'Angleterre, devaient lui fournir des éléments fertiles de discorde, si l'une d'elles s'avisait de vouloir combattre sa politique; mais le choix avait été fait de manière à prévenir l'emploi de cette ressource." —*B.*

They imagined that it was an unbridled or capricious despotism. They knew not that it was founded on written laws, and subject to rules consecrated by long use, which the governor and intendant were obliged to follow strictly; they were ignorant of the fact that French monarchism was more traditional than absolute in its nature. The members of the legislative council, therefore, thought they were following the example of past times in establishing for a common rule obligations which were never imposed on the militiamen excepting under extraordinary circumstances, when the public wishes outran the demands of the government, in taking order for the security of the colony against its enemies. The council erected a military despotism, by reproducing exceptional enactments suited temporarily to times which no longer existed. The militia ordinance subjected all the inhabitants to the most rigorous military service, such as to bear arms beyond Canada for an indefinite time, to do vicariously agricultural labour for absentees serving in the army, &c.; all to be gratuitously performed, under heavy penalties for refusal or neglect.

Such a militia law, with new modes of judiciary organization, and selecting the judges, augured ill for the future.—Other ordinances passed relative to the currency, trade, highways, police, and posting.

The party opposed to the constitution of 1774 soon took advantage of the faults and ignorance of the judges, to assail the new system. The tribunals, destitute of needful enlightenment, and ruling in conformity with the sympathies or prejudices of those who presided in them, were guided neither by consistent laws, nor followed one form of procedure; so that daily irregularities and the most inquieting uncertainty resulted, for those who were obliged to go to law. Some Canadian merchants, being in London, presented a memorial to Lord George Germaine, colonial secretary, complaining of this evil, and demanding either revocation of the law of 1774, or the creation of an elective assembly. The reply was, that to change the constitution would be perilous, so long as the rebels were still in arms on the colonial frontier.

Concurrently, cries arose, on all sides, against the militia law. The country people were pressed to the earth by the burdens

(*corvées*) laid on them. The council had perforce to listen to the complaints against its own tyrannical ordinance. The British party took the initiative, in 1778,* just as General Haldimand, a comrade of Burgoyne's in the last campaign, replaced Carleton as governor.

Before his departure, Carleton had some rather serious disputes with chief-justice Livius, whom he deprived of his charge for having demanded the production of certain instructions received from the ministry. These instructions authorized the governor to name a privy council of five members, draughted from the legislative council, to conduct all public affairs, except legislation. In 1776, Carleton constituted a privy council accordingly; it was composed of the lieutenant-governor, Messrs. Finlay, Dunn, Collins, and Mabane, all being the governor's own creatures, and of course pliant to his will. He wished to avoid consultations with the council itself, into which the *anglifiers* had imported dissensions. Judge Livius, ever bent upon *anglifying*, declared that the law of 1774 only established a legislative council;. that the privy council had illegally taken upon itself the despatch of public business and the auditing of accounts: finally, he proposed to memorialize the governor and admonish him to correct these abuses.

Livius repaired to London, to justify what he had done. The Board of Trade and Plantations, on reference made, reported that he had been deprived of his charge without proper cause, and recommended his restoration; but he did not return to Canada, and Mabane was nominated *ad interim* to fill his place, with the title of acting commissioner for the chief-justice.

General Haldimand, a Swiss by birth, had long served in the British armies. He was a veteran soldier, severe in nature, imperious in manner, suited to lead battalions, but not for exercising civil functions even under a despotism. Set to rule a colony begirt with other colonies in a revolutionary state, he thought he should best discharge the trust reposed in him by exercising inflexible rigour. The difference between his sway and that of Carleton was soon felt to his discredit; the latter, on

* Minutes of the Executive Council.

the contrary, carrying away with him whatever sincere esteem the Canadians had for the government set over them.

The severities of Haldimand were aggravated, moreover, by the successful progress of the United States' men in their sanguinary war against the British. There were ever residents in Canada who desired the discomfiture of the latter; and Haldimand was resolved that American partisanship should never come to a head in the colony. Enforced military service and attendant statute labour (*les corvées*) became a real scourge for the rural population. Cries arose against the double oppression. Haldimand, attributing such complaints to a spirit of revolt, incited by emissaries of the Congress, tried to put them down with harshness. Upon a mere suspicion of persons under his rule being seditiously minded, he caused hundreds of such to be arrested, often casting into prison the culpable and the innocent alike. The legislative council remained imperturbable spectators of this violent temporary proceeding. In 1779, it sat for a few days only, and then merely to renew ordinances about to expire. Next year, it sat for a longer time. A prevailing dearth originated a proposal for storing public granaries. The question of a constitutional government for the colony was again raised by Allsopp, one of the opposition leaders. He proposed that the governor should be asked for a copy of instructions regarding the organization of the colony; but the council passed to the order of the day. Then the discussion turned upon the existing administration of justice. An address was drawn up, deprecating the views of the constitutional party, and favouring the maintenance of the ordinances of 1770. This was voted to be transmitted to head-quarters, despite the opposition of Allsopp, who ever demanded that a court of appeal should be established, governing its decisions by the rules of English law.

A rumour getting current that a new invasion was intended by the Americans, the governor ordered all the cultivators to thrash their grain, and put it out of harm's way. He convoked his two councils; the privy council, to communicate secretly what intelligence he had gained regarding the expected invasion; and, next day, he met the legislative councillors, to whom he said, "Yesterday I called you together as councillors of the crown; I now address

you as legislators. The advices I have communicated to you from reliable sources, testify that we live in time of innovations. The existing state of things impels all loyal subjects to strive for the maintenance intact of the royal authority. I hope that in your private as well as in your public capacity, you will employ all your influence to thwart the projects which rebels and their agents may form to disturb general tranquillity; also, that you will aid me to discover the latter, so that they may be punished."

This discourse was suited to impose silence on the opposition; but Allsopp's boldness seemed to increase as the government grew more stern. He again demanded the introduction of English laws; but his motion was not seconded, and the council was adjourned after five sittings. It had to meet again, however, in August ensuing; when, despite the direction of Haldimand, that public business should be despatched promptly and with unanimity, Allsopp, increasingly hostile to the administration, proposed amendments to every measure introduced. The opposition had discovered, that such obstructive tactics became ready means for making its views known in Britain, because its counter-propositions got inscribed on the minutes of council (*procès-verbal*) transmitted to ministers. Its leaders thereby wished to disquiet the latter (*intimider la métropole*), and induce them to grant to oppositionists the power they coveted, while the home government was embarrassed with the war against the States.

If there was little patriotism in this conduct, supposing the opposition were truly in favour of British dominion, it was yet not destitute of a certain skilfulness; as the party was perfectly aware that home sympathies inclined strongly towards colonists of British blood, and were unfavourable to those of an alien race. The oppositionists hoped that their desire would be cordially responded to by that portion of the nation which blamed its government for its attempted military repression of the insurgent Americans; and that their complaints would come in aid of those who wished for a change in the ministry, the continued existence of which in fact, as matters stood, being already uncertain. The calculation thus entered on was too well founded, only the result thus desiderated had to be waited for.

Nations themselves free have their peculiar selfishnesses (*égo-*

ismes) and prejudices, which raise up strong obstacles to their aggrandizement by conquests. Liberty seems, in fact, to be hostile in nature to such agglomerations of heterogeneous races as are often found united under the sway of despotic monarchs. The sovereign of a multitude of races such as the emperor of Russia, is less inclined, than a nation of conquering freemen, to efface the nationalities submitted to their respective wills. Provided that each nation he governs acknowledges his supremacy, an autocrat will be disposed to leave it in undisturbed enjoyment of its own language, laws, and customs. He identifies himself with the populations of all his dependencies, and often derives a certain force from the very diversity itself among subjected nations. On the contrary, says Montesquieu, "there is this inconvenience attending the territorial conquests made by democracies, that the domination of the latter is ever odious to the people they subjugate. Their own government may be reputed republican in spirit, through a legal fiction; but it is, in fact, more compressive (*dur*) than the monarchic, as the experience of all times and every country sufficiently proves. Nations which they conquer are in evil plight; they enjoy neither the advantages of a monarchy, nor those of a republic." *

How exactly just this opinion will appear, if tested by a reference to the position of the French-Canadians at the present day! Although Great Britain is a constitutional empire, the democratic influences in its mixed government are not operative in its colonies as at the central seat of power. We shall see, in the sequel, that when it was (and is) found convenient to swamp Canadian interests in those of a British majority, men the most hostile to democracy raise their voices in favour of Canadians; whilst the "liberals," *i. e.* democrats, shall demand a union of the two Canadas, in order to consummate more readily great injustice.† Allsopp, and the opposition members in his wake, gave themselves out for men of the most advanced (liberal) principles; while Lord Durham, who recommended the union of the two provinces, passed for a chief of the British radicals.‡

* *De l'Esprit des Loix*, livre x, ch. vii.

† Two nominatives are wanted to make the phrase, translated as above, quite intelligible; the author, in his text, supplies only one.—*B.*

‡ A union of the two Canadas, apart from a union of *all* the provinces

The Canadians did not mis-esteem that liberty to vindicate which their neighbours were up in arms. The Anglo American revolt made a profound sensation among them; but soon their enthusiasm in its favour was attempered by reason, and calculation made them remain tranquil. A liberalism which tends to annul nationality is worse (*plus triste*) than the sovereignty which allows it to subsist. The conduct of the Canadians, under the circumstances, was faulty only thus far, that they put too much trust in the promises of the British authorities.

There is no solid foundation for a government submissive to the popular will. The Canadians now feel this truth, and they will be made far more sensible of it in coming times. But populations of limited number, not being masters of their own destinies, are obliged to become prudential and precautionary; hence we blame not the Canadians of other days for acquiescing in British supremacy during the American revolution.

Amid the above-noted partisan discussions, Haldimand made himself personally odious to all the inhabitants of the colony. A leaden despotism, against which the events passing in the other provinces prevented the people from protesting, weighed upon the urban and rural populations of Canada. The government enveloped itself in mystery; a thick veil covered all its actions, and made it redoubtable to those who looked merely to effects, without being able to divine the motives of men in power.

The secrets of private correspondence were unlawfully violated. Upon several occasions did the officer vested with the functions of postmaster general find the European mail-bags lying open at the governor's, and the contents scattered on the floor.* Haldimand's distrustfulness of letter writers was encouraged by the seigniorial members of the council, who feared, if American propagandism gained a head, for their privileges and nationality; Moreover, it was only by confirming the apprehensions of the chief functionaries, that they could awaken sympathy for themselves in their aversion to compromising innovation. Every day some indiscreet citizens were imprisoned, to keep all others in a state of

of British North America, was not passed, nor probably thought of by his lordship, till the eleventh hour.—B.

fear for themselves. Some persons, on the other hand, disappeared mysteriously, and having been suddenly and quietly arrested, not till long afterwards did their relatives or friends ascertain what secret dungeon they were immured in. The suspicion of being in communication with "rebels," and disobedient to the militia law, were the chief pretexts for many of the arrests; by which chiefly the Canadians suffered,—whether it were that the British (the greater number of whom were really partisans of the Congress) disguised their malcontent feelings better; or that the governor, himself an alien, redoubted their greater personal influence, and knew that home sympathies would operate in their favour to his discredit. This proconsul, therefore, was extremely chary in his repression of the governing race.

Such unquiet tyranny, all the more oppressive as it was exercised on a people few in numbers, beginning with the governor, extended to the judges in the different tribunals. Accused parties were deprived, not only of their liberty, but endamaged in their fortunes. Many were ruined through denied or delayed justice, or by iniquitous sentences, passed recklessly, in violation of all the principles of equity and every proper form of law. Several rich citizens of Quebec and Montreal were despoiled of their goods by this system of persecution, which became more and more unsparing as the royal forces in America had to quail before those of the Congress. Without form of process, the soldiery arrested citizens, some as accused of high treason, others suspected of minor crimes, others again for nobody knew what reason. The arrests began at a low point in the social scale and ascended to the highest. Among those pounced upon, all more or less distinguished for their birth, position, or substance, we may enumerate Messrs. Joutard, Hay, Carignan, Du Fort, merchants; M. la Terrière, director of the iron-works at St. Maurice, and M. Pellion. These were either imprisoned on board vessels-of-war at Quebec, or cast into dungeons, without being informed of the charges (if any) brought against

* Letter of H. Finlay to Anthony Todd, secretary of the G. P. O., London: "It has an appearance as if the governor of Nova Scotia, and our governor here, were yet permitted to take up and open the mails from England." Dec. 1, 1783.

them. One stranger who was mysteriously arrested, occupied a cell on the highest floor of the city prison. The rumour ran that he was one of the young French nobles (*gentilshommes*) who came with Lafayette into America, and who were seen, as was alleged, in different localities of Canada, with a suspicious aim which has never been explained to this day. However that may be, the prison authorities had orders to fire at the high-walled stranger, should he exert public regards through the grated window. The common jail not being found capacious enough for the purpose, the Recollets convent was opened for the reception of state suspects. A man named Ardy was kept there on bread and water for 18 months, his wife never knowing, the while, what had become of him. In vain did the imprisoned ask either to be tried, or set at liberty: the government turned a deaf ear to all their applications. —And when it did at length open the prison doors, after having examined their innocence, or considered they had suffered enough for holding obnoxious opinions no longer dangerous, the government, we say, did not deign to inform the sufferers either why they were taken up or wherefore they were set at liberty.

The liberal views of an ex-magistrate, named Du Calvet, caused him to be early suspected of intriguing with the Americans, to whom he had furnished supplies during their occupation of Montreal, and with whom it was said that he had kept up a secret correspondence. He was suddenly arrested in his own house, Sept. 27, 1778, by a file of soldiers, who also seized his papers and money, and led him prisoner to Quebec. At first he was detained in a vessel in the roadstead, afterwards in the garrison's black-hole (*cellule militaire*), and finally in the Recollets prison. Influential friends offered themselves as his bail, he proposed himself to deliver up all he had as a guage for his coming forward when called on, he demanded that he should be put on his trial—all in vain. After a detention of 32 months' duration, he was let loose, without a word of explanation given.

The signing of preliminaries for the peace of 1783, became a signal for the liberation of Du Calvet and some others of the prisoners. Hostilities ceasing, no decent (extra-legal) pretext remained for pursuing a system of intimidation, and the prisons dis-

gorged the numerous victims of state polity. Guilty and innocent alike were set free, without form or process in any cases.

While Haldimand was thus governing by terror, he thinking, in all sincerity of heart, that Canada could be preserved for Britain by no other means,—the troops of Congress were keeping the field successfully against those of the king. News of the capitulation of Saratoga resounded, not only throughout the United States, but all Europe; that intelligence was especially hailed in France. The British had only the capture of Philadelphia to console themselves with for the disastrous event. Dr. Franklin, who was sent as resident American agent to Paris, was received by the French ministry with distinguished attention, and by the people with a species of enthusiasm, which seemed to have in it a secret significance predictive of greater events looming in the distance. After several conferences with the American envoys, and employing great address in persuading Louis XVI to break the treaty of 1763, the Duke de Choiseul had the happiness of signing, in 1778, a treaty of alliance and trade with the new republic, which thus was recognised (as an independent power) by the first nation of Europe. France was, at last, going to be avenged! To crown all, Choiseul was about to hear his old antagonist, Lord Chatham, proclaim Britain's abasement, and see him rise, as it were from the grave, to protest, among his fellow peers, against the humiliation of his country.

The British cabinet, informed of what was passing on the other side of the strait, and determining to forestal the French ministers in their meditated hostilities, had already sent orders to attack the French establishments in the Indies; but, when the treaty itself was sent over, the British government was seized with apprehension. Britain never had to encounter such formidable and determined coalitions as France had to face, under Louis XIV and Napoleon. Secured by her insular position, she has had merely to intervene as an auxiliary power in the great wars of Europe. In America, on the contrary, she ranked as a chief belligerent; it was now the turn of France to come into the warlike arena as an ally merely; and, as such, she would either gain comparatively easy triumphs, or sustain not very damaging reverses. Lord North, laying aside usual Britannic haughtiness for the time, obtained the passing of

two acts, tending to a reconciliation with the colonies. By these bills, the mother country renounced her assumed right of taxing them, and authorized the ministry to send commissioners to America to treat for a peace. Laws were likewise passed favouring the trade of Ireland, and ameliorating the state of its catholic population. Fear made the British become just. The Duke of Richmond, in the house of lords, made a motion that the independence of the Americans should be recognized, and praying the king to dismiss his ministers. Lord Chatham, although mortally ill, was borne to his place to combat the first of these propositions. "This day," said he, "I have conquered disease itself, and am come one more time, probably the last, into this hall, merely to express the indignation which fills and almost bursts my heart, on learning that a proposal so humiliating as the abandonment of America was about to be submitted to you." He began his oration in a feeble tone and with embarrassed utterance, but, as he proceeded, his voice strengthened, and his gesture became animated. He passed in review the events prelusive of the war, detailed the ministerial measures in respect to it which he had opposed, and the evil results following them, all of which he had predicted. "I foresaw all these things, I foretold them all, and, most unfortunately, I was a true prophet.....My lords, I rejoice that the grave has not closed upon me yet; that I am still alive to lift up my voice against the dismemberment of this ancient and most noble monarchy. Bowed down as I am with bodily suffering, I am ill fitted to serve my country in times of danger; but so long as reason remains to me, I shall never give my consent to the house of Brunswick being despoiled of any part of its heritage; never shall I assent to the British nation being dishonoured by an ignominious surrender of its rights." This crowning effort exhausted the forces of the great orator, who expired not long afterwards; fortunate (as he would have esteemed it) in not surviving the separation of Britain from her colonies, which he (mistakenly) conceived to be the greatest misfortune that ever could have befallen her.*

* This memorable speech was delivered on the 7th of April, 1778. "Lord Chatham entered the house attired in a rich suit of black velvet, a full wig, and wrapped in flannel to the knees. (He was a martyr to

gorged the numerous victims of state polity. Guilty and innocent alike were set free, without form or process in any cases.

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tance. Sullivan now burnt their villages and crops, ravaged their orchards, cut their fruit-trees, and left their country one vast desert. The relics of this warlike race, everwhile so potent and so proud, passed to the northward of the great lakes, and settled on lands assigned to them by the British authorities, where they still cling to strips of woodland, left on the skirts of a civilization which is now pressing around their scanty holdings on every side. Reduced to a small number, far removed from the lands of their progenitors, this race of savages, which, a century and a half ago, kept all aboriginal North America in awe, are striving in vain at this day against their impending annihilation; weakened, despoiled, they fruitlessly seek to prolong the agony which precedes extinction, and try to continue an existence that has been prolonged latterly by succour derived from that very civilization which will finally efface them from the earth.*

* The Canadian government published, in 1858, an interesting Report regarding the remnants of the Indian tribes still surviving in various parts of our two provinces. According to that report, the Iroquois, after quitting their natal soil, received a grant from Sir Frederic Haldimand, in 1784, on the Grand River, between lakes Erie and Ontario. Some got settled also on the Thames, a river which falls into lake St. Claire. Their population numbers from 2,000 to 3,000 souls.

The Iroquois located by the olden French government at Sault St. Louis, and at St. Regis, on the American frontier, are a little more advanced in civilization than the preceding; they number about 2,300 in all; inhabit houses (not wigwams) of stone or wood, till a small surface of land, and possess some farming stock.

The wandering tribes on the north side of the St. Lawrence, from the river Saguenay to the Atlantic, may number 2,500 souls. They are chiefly Montagnais. There are besides, on the same side of the flood, above Saguenay, the Bullet-heads (*Têtes-de-Boules*), the Algonquins of three Rivers, the Nipissings, the Ottawas, the Mistassins, and the Naskapis; all these tribes, scattered among the Laurentian highlands (*Laurentides*), are wanderers; and the estimated number of the savages to the south of the Saguenay, is 2,500 souls in all. They are of Montagnais consanguinity.

The Nipissings, the Algonquins, and the Iroquois of Two Mountains, reckon 884 souls; the Abenaquis of St. Francis, 337; those of Bécancour, 172; the Hurons of Jeune-Lorette, 232; the Amalekites of Green River, 171; but these are numerous in New Brunswick. The Micmacs of Restigouche, number 173 souls.

The arrival of 6,000 auxiliaries under Count de Rochambeau, the active co-operation of the French and Spanish fleets, the adhesion of Holland, against which Britain had just declared war, were conjointly about to settle the question of the independence of the Americans. Despite their victories at Guildford, Hobkirk, and Etau Springs, the British being pressed on the side of Virginia and the Carolinas, by the corps of Generals Morgan, Green, and Lafayette, were thrust back on Yorktown by the army of Washington and the French corps of Rochambeau, and finally obliged to lay down their arms, to the number of 6,000 regulars and 1,500 seamen—a victory which ensured the independence of the United States. This was the second British army which surrendered bodily during the war, a circumstance unparalleled in modern military annals. General Cornwallis, who commanded in chief, being ill, General O'Hara it was who led the royal troops in defiling before their captors. He wished to deliver his sword to Rochambeau, but the latter refused to accept it; and pointing to Washington, said, that as the French were auxiliaries only in the country, it was to the American generalissimo he must present it, and receive orders from.*

The British people were astounded by intelligence of the battle of Yorktown, and bent under the violence of the war-storm. The house of commons, which had promised the king, three months before, to enable him to carry on the war with vigour, presented

If we turn our regards to Upper Canada, we find in Walpole Island, foot of river Ste. Claire, 800 or 900 Indians, half of them Chippewas, the other moiety Powtowatamis; in the Ecarté Channel and at Ste. Claire, nearly 500 aborigines of divers tribes; in Manitoulin Island, 1226 souls; and scattered on the northern lake-board of Huron and Superior, sundry tribes, the numbers in which it would be hard to estimate, but they are very small relatively to the extent of the territories which they occupy.

There may be some more points of the vast superficies of Canada, where there are other aboriginal families not comprehended in the foregoing enumeration, but they are gradually disappearing as civilization progresses. Moreover, the mountain chain known as the Laurentides, will serve them, for a long time to come, as an asylum; especially the highland region neighbouring the lower flood and gulf of St. Lawrence.

* Memoirs of the Count de Ségur.

an address, voted almost unanimously, praying that he would bring about a peace. A resolution was passed also, that whosoever should counsel a perseverance in hostilities, would be declared an enemy to king and country.* These votes led to the dissolution of Lord North's cabinet, in March 1782, and the marquis of Rockingham, notwithstanding his Majesty's repugnance, was charged to form a new administration.

General Carleton came to replace general Clinton as chief of the British northern army. He brought to Quebec news of the approaching peace. The negotiations were opened in Paris, at the intermediation of the emperor of Germany, and 3rd Sept., 1783, was signed the memorable treaty by which Great Britain recognized the independence of the United States; Europe, at the same time, receiving into the comity of nations, the earliest-formed power of the new world. All the territory which, after the conquest of Canada, had been detached from that country to aggrandize the neighbouring colonies, was reclaimed by the Americans, and ceded by the British. By this cession, the cities of Quebec and Montreal found themselves thinly separated, by but a few leagues' interspace, from the American frontiers; and Canada lost, along with the posts yielded up to the United States, a great part of the lucrative traffic hitherto maintained with the savages of the west. More than a moiety of the Canadians settled in the outer territories, became citizens of America, without ceasing to be French in spirit; and Detroit, their chief locality, ceased to be a British settlement.

By this abridgment of territory, Canada lost lake Champlain, and the neighbouring highlands, a country of varied surface, intersected with lakes, rivers, defiles, and other natural obstacles—the whole constituting a territorial bulwark for the frontier of whichever nation possessed it. During five campaigns, all the efforts of the British armies, four or five times more numerous than ours, were wasted in that rugged region during the seven years' war, and in the same locality did Burgoyne find the commencement of the difficulties which led to his discomfiture. The

* No such resolution, we believe, was ever proposed in Britain; certainly none such was passed in either house of parliament.—*B.*

treaty of Paris, by fixing the Canadian frontier at the foot of Lake Champlain, approximated the American outposts to the entrance of the spacious and fertile plain of Montreal, which has an extent of 40 leagues every way, and is situated in the heart of our country. This arrangement recovered, on that side, the natural defences of the province, and left Montreal exposed at all times to the assaults of the Americans; but more especially since the disappearance of the forests which screened it till the epoch of 1812. But Britain righteously suffered herself from the privations she willed to inflict on the Canadians, by annexing a great part of their country to the older British colonies, after the peace of 1763. She was fain therefore, to locate, in the northern region of Canada, the American royalists who were expelled by their republican compatriots. More than 25,000 of the former settled in Nova Scotia and Upper Canada. Many Acadians, likewise, came to settle in Canada, upon the sea-board of the Laurentian Gulf; preferring, says M. Lebrun, a monarchic colony of French origin and habitudes, to an Anglo-American republic. It was at the time of this emigration, that the Smith, Scott, and Stewart families came and established themselves on the margin of the St. Lawrence, scions of whom were afterwards destined to fill leading places in the Canadian magistracy.

The peace procured, withal, two advantages for this country; for it put an end to the military system prevailing before, and accelerated the establishment of representative government. In terms of a direction by the British ministry, the law of habeas corpus was introduced, after a long discussion, in virtue of an ordinance by the legislative council; which was the last document signed by general Haldimand, before demitting his gubernatorial functions to his successor (H. Hamilton) in 1785.

The departing governor was not destitute of sensitiveness: this caused him to suffer from the isolation to which his own stern temper, suspicious and vindictive disposition, confined him amidst a community which he had alienated. Detested by every one, he knew the fact, and solicited a recal, during two years, before he left. "Although he had been depicted," says the baroness de Riedsnel, "as a man of an intractable character, we treated him with sincerity and frankness; which pleased him all the more,

that he had rarely met with persons who did the like." In truth, it would be unjust to place to his account all the rigours which he employed. Good intents are recognizable, on his part, through much of what he did; his chief aim really being, to preserve Canada as a British dependency. We must, above all, admit, that to him were due the first modifications of British polity in favour of the Canadians, although the result of the American revolution was yet more effective in bringing about beneficial changes. It was he who recommended conservation of the territory situated between the St. Lawrence and the United States frontiers; and caused lord Sidney, contrary to the mind of lord North, to adopt, in 1784, the right view of this matter. Haldimand's error was, exaggerating the spirit of the olden system of French colonial administration; for the judicious exercise of absolute power demands, perhaps, more talent than is needful for wielding balanced powers. Now that we retrospectively view Haldimand's leaden tyranny without prejudice, now that we discern what was his master thought, few of us perhaps will refuse to pardon him for his rough but honest absolutism, out of regard for his efforts to preserve intact a portion of the soil reclaimed by aliens, which had been gained to civilization by our ancestors.

His administrative troubles did not terminate with his administration, which lasted six years. Several of those persons he had incarcerated followed him to England, and cited him before the British tribunals. No sooner was Du Calvet liberated, than he repaired to London, and demanded justice against Haldimand, from the home authorities. In an audience with the ministry, he solicited his recal, in order to bring him within the jurisdiction of the English courts of law, preparatory to a prosecution. As this would have created a public scandal, to the detriment of those who appointed him, the ministers first put off Du Calvet with evasions, and then ceased to attend to his representations. He however, as energetic as indefatigable, published a volume of letters, addressed to the king, the prince of Wales, the ministry, and to the Canadians, bearing the title, "Appeal to the Justice of the State," copies of which he profusely scattered about both in Britain and Canada. These letters, couched in a fervid style, and violent in tone, manifested the proud and independent spirit of their

writer. Du Calvet therein skilfully identified his own cause with that of the public, and expressed hard truths, to the discredit of the government, which few malcontents in the colony would have dared to utter above their breath. Among the outbursts of his rude eloquence, we find exclamations instinct with feelings of national pride, and marked by a noble indignation. "How sad a thing it is to be vanquished!" he thus expressed himself: "our brothers' blood, shed in the field of battle, yet cries to us from the ground; but bodily wounds, however deep, will heal in time. It is the constant pressure of the victor's hand when the struggle is over,—*that* is the 'iron' which enters the soul; and to become the bondmen of another race, itself living in freedom, is the most intolerable part of our fate. Can it be that our slackness in not holding out longer against our conquerors, has merited their contempt, as our first earnest efforts in shunning the yoke excited their ire! It was not alone to resistless might we owed our undoing: the divisions among our chief defenders became the most efficient means for our prostration on the plains of Abraham. Our fall there was deadly indeed, but not final: we rose again next year, staggeringly it may be, and dealt our enemies a damaging blow in parting,—on the same blood-stained field too; thus clearing our reputation at least from an imputation that otherwise might have been launched at us, of being deficient in the military spirit inherent to our race."*

* As confessedly we find great difficulty in translating a patriotic outburst, expressed in impassioned (and not very classical) French, we think it will be but fair to subjoin M. du Calvet's text, as cited by M. Garneau (vol. iii pp. 51-2):—"Qu'il est triste d'être vaincu! [*Væ victis!*] S'il n'en coûtait encore que le sang qui arrose les champs de bataille, la plaie serait bien profonde, bien douloureuse; elle saignerait bien des années—mais le temps la fermerait. Mais être condamné à sentir continuellement la main d'un vainqueur qui s'appesantit sur vous; mais d'être esclave à perpétuité du souverain constitutionel du peuple le plus libre de la terre, c'en est trop! Serait-ce que notre lâcheté à disputer la victoire, en nous dégradant dans l'esprit de nos conquérants, aurait mérité leur colère et leur mêpris? Mais ce furent les divisions de nos généraux qui les firent battre; mais nous, nous prîmes notre revanche, et nous lavâmes, le 28 avril 1760, la honte de leur défaite, et sur le même champ de bataille!"......" Bataille, première bataille de

After depicting, in sombre tints, the tyrannical system under which the country was groaning, he contrasted the conduct of the British rulers in a conquered dependency, with that of the Marquis de Bouillé, governor of the Windward Islands, French West Indies, who in 1778, took from the British St. Christopher's, St. Eustatia, and Dominica, and treated the inhabitants with a kindness which called forth their grateful acknowledgments.—Reverting to his own wrongs, he entered into a detail of the persecution he had endured; denouncing the corruptions of his judges, who, during his imprisonment, found means to strip him of a great part of his fortune, by depriving him, through denials of justice, of the ordinary means of defence, and allowing the governor to intimidate him by taking a place on the bench beside the proper judges in the cause, contrary to legal usage, and even to common decency: finally, after intimating that a great number of his compatriots were still exposed to the like treatment, he completed his picture of the government, the most striking traits in which were, despotic action in its chief, servility and adulation in his functionaries, malversations of the latter to gratify the ruler or to serve party interests; constant violations of the act of 1774; refusals to call into operation the colony's olden jurisprudence, &c. In conclusion he reclaimed the establishment of a constitutional government, founded on the following bases:—

1. Conservation of the French civil laws. *

Quebec, nous frapperez-vous toujours!".... "Oh! illustre marquis de Bouillé, est-ce ainsi que votre grande âme a perverti le fruit de la victoire? Les vaincus sous vos mains n'ont-ils pas été des enfants chéris? Leur reconnaissance n'éclat-t-elle pas aujourd'hui pour exalter la grandeur de votre clémence? L'Angleterre ne se fait-elle pas une gloire de les imiter? Ah! je reconnais à ces traits le génie noble de la nation anglaise; elle donne ici la plus belle idée de sa vertu, en rendant hommage à celle du grand homme qui n'a été vainqueur que pour être bienfaiteur. Le Canada n'aura-t-il jamais les mêmes remerciments à lui faire pour sa protection et ses bienfaits, au nom du moins de ces Français qui viennent de faire envers des Anglais un si noble usage de la victoire?" The memorialist probably alludes to the fact of the chamber of commerce, Glasgow, having voted the presentation of a handsome pair of pistols, with a grateful letter, to M. de Bouillé, for his humane treatment of British subjects his captives, conquered or taken captive in the West Indies.—*B.*

2. Extension of the English habeas corpus act to Canada.

3. Trial (criminal) by jury.

4. Permanent office (*inamovabilité*) for the legislative councillors, judges, and even ordinary legal functionaries; or so long as no misconduct in place were both charged and proved against them.

5. The governor to be subject, the same as others, to the laws of the province.

6. Creation of an elective assembly.

7. Recognition of six members, to sit in parliament as representatives of Canada; three for the district of Quebec, and three for that of Montreal.

8. Freedom of conscience; no man to be deprived of his political rights on account of his religious belief.*

9. Reform of the local judicature; restoration of the supreme (*supérieur*) council.

10. Creation of a provincial military establishment; formation of a Canadian regiment composed of two battalions.

11. Liberty of the press.

12. Colleges for the education of youth; employment of the Jesuits in this work,† conformably to their primitive destination. Parochial schools.

13. Naturalization of the Canadians, so as to endow them with British rights, and entitle them to vindicate the same in every part of the empire.

These elements of a constitution, more liberal than that accorded in 1791, sufficiently manifest the views of the author. They are even of a more advanced character than those adopted by the partisans of ministerial responsibility at the present time. In proposing that the governor-general should be made amenable to our laws, Du Calvet wished to divest the home government of a power he considered dangerous. But it is only

* M. du Calvet was a French Protestant. His nationality and religious belief perhaps stood in the way of his finding friends in either camp. Be that as it may, he was a man of spirit and intelligence: he was most cruelly used.—*B.*

† This speaks well for the proposer's liberal feeling, as a Calvinist.—*B.*

in our own day that the judges have become irremovable, or that we have had public schools in all the parishes. As for the proposed admission of Canadian representatives to the British parliament, the small number of such therein present at any given moment (of interest to Canada) would have had little influence on the polity of an evil-disposed cabinet; and an innovation like this on the British constitution might have had inconvenient, not to to say undesiderable results, for increased presence of our M.P.s. among those of the mother country would have had to be accommodated to the growing numbers of the colonists. The example of ancient Rome, whose decline and fall were (remotely) due to extending citizenship to the other Italian populations,* is not encouraging for a metropolitan government to adopt (or carry further) a similar system: unless, indeed, the colonies so to be represented were both feeble at the time, and never likely to become redoubtable to the mother country.

Du Calvet's book was published in London in 1784. It procured for its author many partisans in Britain, men who otherwise evinced great devotedness to the constitutional cause of Canada, and greatly helped to obtain for us representative legislature.†

General Haldimand left the administration of the province to lieutenant-governor Hamilton, one of the moderate members of the legislative council. The latter was replaced, next year (1785), by colonel Hope; but who, very soon afterwards, had to give way to Sir Guy Carleton, re-appointed governor, after having been called to the peerage with the title of Lord Dorchester, who landed at Quebec in the month of October, along with the ex-attorney general of New York, Mr. Smith, now come to Canada as chief-

* MONTESQUIEU: *Grandeur et Décadence des Romains*, ch. IX.

† Du Calvet was in France during the year 1783. He saw Franklin in Paris, then resident ambassador for the United States, and asked his aid in obtaining payment from the Congress for the equipments he furnished to the Americans, as already stated. He observed, at the same time, that his health, undermined by incarceration in Canadian prisons, and his advanced age, would not allow of his proceeding to the States, and proffering his claim personally. Franklin transmitted his papers to the Congress.—Letter from Franklin to the President of the Congress, dated "Passy (near Paris), Nov. 1st. 1783;" in the collected *Works of Benjamin Franklin*, vol. X.

justice of the province. His lordship was invested with the title and functions of governor-general of all the British possessions in North America. On resuming the reins of power, he found the country much agitated on the question of constitutional government. The legislative council had fallen into general disfavour, and its submissiveness to orders from head-quarters increased daily the number of its enemies. Mr. Finlay and another councillor, who had manifested some indications of a spirit of independence, were now in a state of great disquietude, and sought to regain the good graces of the re-constituted governor by the most humiliating professions of repentance.* Allsopp had been expelled (*retranché*) from the council.

Peace was no sooner proclaimed, than the British parliament was flooded with petitions from Canada. Those first presented (in 1783), and signed by the old and new colonists—namely, bearing British and Canadian signatures together—were taken to England by three deputies, Messrs. Adhémar, Powell, and Delisle. The petitioners reclaimed, in general terms, full enjoyment of the rights and privileges attaching to the quality of British subjects; but the chief aim of a number of the parties was, to obtain the introduction of the law of habeas corpus. A demand was made, in fine, that all the people of Canada, without distinction of race or religion, and whatever might be the form of our administrative government, should be invested with the same rights, privileges, and immunities (*prérogatives*) as those appertaining to Britons in every region of the world. These terms being interpreted in a more general sense by the constitutionalists, the legislative body set about protesting, in 1784, against the proposed innovation of an elective assembly; and M. de St. Luc moved that an address

* Finlay was deputy postmaster-general in America after 1784.—"Let me once more repeat," wrote this gentleman, "that Sir Guy Carleton shall have no cause to be displeased with me: my duty is to be with the government: it is every honest man's business to assist the ruling powers, far more a well-meaning councillor." Letter from H. Finlay to governor Skene, dated Aug. 8, 1785.—"Letter which I wrote to Sir Guy Carleton, in which I stated my conjecture touching the cause of his displeasure, and expressed my sorrow for having unintentionally offended his Excellency." Letter to Mr. Todd, secretary of the General Post Office, London.

should be presented to the king, thanking his majesty for his protection of Canada during the American revolutionary war, and praying that he would maintain intact the government of 1774.* Mr. Grant opposed the drawing up of such an address, and proposed rather that a committee should be nominated to prepare a petition in favour of the elective principle, but his motion was disapproved of by several of the other British councillors. "All things taken into account," said Finlay, "it is doubtful whether there would be any advantage in our having a legislative assembly in the present state of the country; for the old subjects of the king, namely those British-born, would have no chance of being elected by people of the French-Canadian race." After a long discussion, Grant's amendment was rejected, and St. Luc's address adopted by a majority of about two-thirds, the number of votes being 17. Messrs. Levesque and De Léry, who were in the minority, entered written protests against the decision.

The council registrar (*greffier*) was directed to lay the address at his Majesty's feet, and use his efforts to secure a continuation of the existing constitution. A Jesuit named Roubaud, who had been in Quebec as it appeared, in the time of governor Murray, but was now resident in London, put himself in communication with the Canadian anti-constitutionalists, and menaced some functionaries with the resentment of Carleton. This person, who had access to the ministry, or some of its supporters, could have somewhat moderated their ardour.† Anyhow, the address was well received by the ministry—a thing of course, however; for the governor, and a majority of the council, did not move a step in an affair so important, without first anticipating the assent, formal or tacit, of the colonial-office. The ministers, who thought that the time for granting a free government was not yet come, gave in, therefore, to the views of the legislative council. Lord Sidney went so far as to say, while acquiescing in the introduction of the law of habeas corpus, that he was convinced all other restrictions proposed to be put on the executive of the colony, would be to its

* Minutes of the Legislative Council.

† "Ce personnage.....put modérer un peu leur ardeur." These words, obscure to us, may be pregnant with meaning for others.—*B.*

detriment; and that those who demanded an elective assembly, trial by jury, and irremovability of the judges, were ill-disposed persons, whose loyalty appeared to him to be very doubtful.

Despite such observations (from men high in place), discussions regarding forms of government were still warmly maintained in Canada. In 1784, public meetings on the subject were holden in Quebec and Montreal, and new petitions were sent thence to London, to demand—this time in a formal and precise manner—an elective assembly, a council of unsalaried members, the extension of British jurisprudence to parts beyond the jurisdictions of Quebec and Montreal (the only two districts then regularly organized), and trial by jury in civil cases.

These demands raised up a formidable opposition. Counter-petitions, signed by more than 4,000 persons, were sent to Britain deprecating an assent to the demands expressed in the foregoing. It is plain, therefore, that a considerable number of the Canadians, at that time, were in favour of a free government; while the remainder, adhering to olden opinions on the subject, were formally opposed to its introduction.—The demand for an elective assembly was renewed in 1785. Certain London merchants, trading to Canada, presented a memorial in favour of that measure to the ministry. This application, in its terms, went much farther than those expressed in the petitions of the Canadian liberals; since it assumed that a majority of the inhabitants of the colony desired to be governed by the laws of England, and ruled in perfect accordance with the principles of the British constitution. Amidst this conflict of parties, the private information which reached London from the colony, served only to increase the embarrassment of the ministry. Thus even the most moderate *anglifiers* wrote, that it would be impossible to find enough of men in the country fit to represent the people in a legislative assembly; that all the Canadians cared much to preserve were, their religion and their accustomed laws of succession to property; and after having recommended, with expressions of regret, the subjugation of a people to another nation, the petitioners concluded by suggesting, that the British portion of the population should have representatives in the house of commons—a measure more preferable by far than constituting a local legislature, with members composed of and

elected by French Canadians! As regarded the religious aspect of the subject, M. Adhémar found the ministry still opposed to the induction of priests born under the domination of the Bourbons. The colonial-office was possessed with a notion that it was possible and fitting to discredit the Canadian church, by choosing hierarchs for it through whom it might be directed under ministerial inspirations. The Dominican Taylor, and a Recollet named Kilder, men infamous for their debaucheries, were spoken of as being proper subjects for placing at the head of the church of Canada. In March, 1785, M. Adhémar presented a memorial to the ministers, demonstrating that the Canadians might choose priests for themselves, without the state incurring any danger thereby; but finding that the British people cherished prejudices against everything French and catholic, recommended the Canadian clergy to join with the people in demanding a representative government. Hence it was that, in 1792, M. de Bedard, superior of the Seminary, and M. Plessis, parish priest (*curé*) of Quebec, figured as members of the constitutional assembly.

Meanwhile, the British ministry resolved to institute a new inquest to collect information and report on the state of the colony. Lord Dorchester re-entered on office with orders to this effect. During twenty-six years, Canada had been subjected to three several systems of government; all which, though differing in name, perfectly resembled each other in tyranny, and in the disorders they gave rise to. The legislative council was divided into several committees, charged to inquire regarding the administration of justice, the condition of the militia, roads, agriculture, the amount of population, state of trade, police, and education; each committee to make a separate report on the subjects referred to it. As most of the committees were composed of British members, the Canadians had no hopes of any good arising for themselves from investigations conducted by men whom they believed to be hostile to their laws and nationality.* Their suspicions were especially

* The council, at this time, was composed of the following members: Colonel Hope, lieutenant-governor; William Smith, chief-justice; Sir John Johnson, superintendent-general of savages; Sir Charles de Lavandière, chief superintendent of highways; Chevalier Picoté de Beles-

raised when they took note of the choice made of witnesses to be examined. They knew well that the governor, lieutenant-governor Hope, the president of the council, and judges Mabane and Fraser, were favourable to maintaining the ancient laws; and that consequently, the opposite party, directed by chief-justice Smith, were in a minority.

Smith, in contradiction to the opinion of Masères,* maintained that the English laws had been introduced in terms of divers parliamentary statutes; that the act of 1774 was not sufficient to revoke those laws; that they ought to be followed for all suits between British clients, just as French laws were had recourse to by Canadians; and that when a Canadian and a Briton were at law, the olden jurisprudence was to rule if the *chose* in action were of the nature of real estate, but, when relating to merchantable produce (*avait rapport au commerce*), the English law ought to determine the case. He alleged, likewise, that the Royal Instructions issued to the governor several years before, and which recommended the introduction of English law, might be legally followed.

The members of the court of common pleas, Judge Mabane amongst them, maintained that the French laws were in force for Canada; that the ordinance of 1785 introduced English com-

tre, superintendent of roads; R. A. de Boucherville, inspector of roads; Hugh Finlay, postmaster-general; Henry Caldwell, receiver-general; William Grant, deputy receiver-general; Samuel Holland, arpenteur-général; John Collins, deputy arpenteur-général; and Sir George Barnall, provincial secretary.

* Maserès said that the proclamation of 1764 sufficed not to abrogate the laws of the colony, and that an act of parliament alone could change them: "If these arguments against the king being singly, without the parliament, the legislator of the province, are just, it will follow of course that all the ordinances hitherto passed in this province are null and void, as being founded at best (for I shall endeavour to show that they have not even this foundation) upon the king's single authority. And if so, then the great ordinance of 17th of September, 1764, by which the French laws were abolished, and the laws of England introduced in their stead, will be void among the rest: and, consequently the French laws must, by virtue of the first maxim above laid down, be deemed to be still legally in force."—*A plan for settling the Laws and the Administration of Justice in the Province of Quebec.*

revengefulness of certain fraudulent traders, "whom they (the judges) had righteously mulcted of £100,000 for attempting to pass their goods without paying customs' dues." The judges in the court of common pleas, Messrs. Mabane, Panet, and Dunn, threw the blame of whatever appeared to be censurable in their practice, on Chief-Justice Smith, the sworn foe alike of the laws and persons of the Canadians. A partisan functionary he was indeed, who without ceasing fostered differences between the colonists and the mother country, in order to manifest his affected zeal for her interests, and obtain recognition of his own invaluable services! On the other hand, moved by an evil personal animus due to the rejection of his law-project by the council, he preferred several grave accusations against the common pleas' judges named above, which they had to rebut in presence of the governor.

The report of the committee on trade merely echoed in its conclusions the opinions of those merchants whose testimony was adduced. The latter met in Quebec and at Montreal, and agreed upon the nature of their replies to anticipated interrogations. The merchants examined, however, did not confine their voluntecred testimony to the proper subjects they were consulted upon; collectively, expressing their opinions as to the jurisprudence, justice, and government of the colony: seizing the opportunity presented to demand the entire adoption of English law and practice, including trial by jury in all cases, English conveyancing, succession to property real and personal, &c. "Our tribunals," they said, "as at present constituted, decide according to no uniform system: some rule according to French law, others follow English practice; these, in conformity to Roman jurisprudence—those, according to simple equity. Judges and clients have recourse to one or the other system just as their interest, their sympathies, or their caprices direct." Thus Canadian clients, if we may believe Sir James Marriott, were then wont to invoke English law, when they thought it would be favourable to them in any given case. The traders consulted on the occasion, profited by it to solicit the concession of an elective assembly; in justification of which demand they referred to the reasons given for it in their petition of 1785.

The committee of trade reported, on its part, that the commercial witnesses examined had treated the question of the condition

and wants of the province with much profundity, great precision, and sound ju lgment: they also recommended the governor to yield attentive regard to the conclusions which the former arrived at.

The territorial committee expressed its disapproval of feudal tenures; which were the cause, it was alleged, of the colony making little progress under French domination; and suggested that they should be superseded in favour of landholding by "free and common soccage;" in order (it was added) to retain British immigrants in the province. A suggestion was thrown out, also, that the *seigneurs* (feudal landlords) and their tenant vassals *censitaires*) ought to be vested with the faculty of commuting the tenure of their lands, so as to hasten a total change (desiderated by the committee); and, furthermore, the adoption of the British law of primogeniture was recommended, in view of constraining disinherited younger sons to settle upon new domains.

The influence of the chief-justice made itself felt in the last-named committee, as in all the rest. Its conclusions, too, were supported by a leading member of the Canadian feudalry; namely, Charles Tarieu de Lanaudière, knight of Saint-Louis, aide de-camp of the governor, and intendant-general of highways. This nobleman (*gentilhomme*) was a person of cultivated mind; who, having visited Britain, had, no question, there learned to *calculate*. His seigniories had an area of nearly 35 square leagues, and very little of this * great superficies had been conceded by him as yet. He (thus) became aware, that if he were created absolute proprietor of the soil, he might sell or grant his lands on such terms as he should think fit; and that if he thereby must perforce renounce his feudal dues,—such as *cens et rentes, lods et ventes, droits de banalité et de justice*,†—he would recover his losses in that direction, more apparent than real, by the rack-rents he would lay upon his (so-called) free tenants. Thus when attorney-general

* The observant reader will of course note, *obiter*, the above sneer at the "nation de marchands," as well as numerous others before. The occasion was tempting, perhaps; so the author, it seems, could not let the opportunity pass by.—*B.*

† The meaning of these terms, so far as their equivalents can be found in the vernacular of an early enfranchised race, we have added elsewhere.—*B.*

Williams was consulted by the governor as to the desirability of a change from seignorial to free tenure, he (shrewdly) remarked, that if it would be very advantageous to the feudal landholders, it must needs be detrimental to their tenants.

The report of the territorial committee, none the less, was followed by a law-project founded on its recommendations in that regard. As soon as this became publicly known, several Canadians, among whom were Messrs. de Bonne, Bedard, and de St. Ours, made representations against the proposed measure to the governor. They said that they desired nothing so much as the well-being of the cultivators of the soil, but were determined to unite in opposition to the innovation proposed, which would really be prejudicial to them: remarking, at the same time, that there was only one seigneur (M. de Lanaudière) who solicited the abolition of the feudal tenures; they observed, too, that his replies to questions put to him in committee, conveyed insinuations, not entirely justified by facts, deprecatory of the seignorial system established in Canada; that in his responses he made an (unfair) enumeration of "humiliating servitudes" which (he must have known) had long since fallen into disuse, or even been specifically abrogated by reformed laws (*la coutume*) introduced to the colony; lastly, the remonstrants predicted, that the seigneurs, become absolute proprietors of immense tracts of land, would be able to subdivide them at will, and (almost certainly) concede or sell portions of them on the most onerous conditions; thereby depriving husbandmen of the right (they previously enjoyed) of *obliging* their lords to grant them holdings *en roture.**

These representations were sustained in the council by M. Mabane, the most redoubtable opponent of Smith, and with such effect that Lanaudière's project proved abortive.

The labours of the committee on public education, were, perhaps, of yet greater importance, as affecting the future interests of the colony, than those of all the others. There existed in Canada, as yet, no organized system of elementary instruction for its people. Schools were to be found nowhere outside the larger towns (*villes*); unless, indeed, we give that name to a few classes opened up temporarily here and there, in country districts, by

* Mean tenure; ianillenage.

mendicant monks in their rural rounds; or, haply, a gathering of children by some parish priest (*curé*), friendly to letters, who imparted to them the first principles of grammar.

The Jesuits, indeed, gave a number of youths a solid education in their college at Quebec; and it was in their class-rooms were trained most of the leading Canadians whose names figure to advantage in our early annals. But that establishment existed no longer; and but for the seminaries, which extended the range of their original proper functions to supply, in part, educational deficiencies, the torch of science would have been all but extinguished among us. But institutions for training boys only, and secularized so far merely through ecclesiastical devotedness and munificence, ill supplied the large educational wants even of the chief towns; while the rest of the province was destitute of all means of public instruction. The Seminary of St. Sulpitius at Montreal maintained, from the time of (*depuis*) its establishment a school, wherein 300 children were taught their letters gratuitously. The high-church authorities (*fabrique*) of that city had also a pedagogium (*collège*) pretty well frequented; in which, after 1773, the belles-lettres were cultivated, and a beginning made in teaching arithmetic, geography, and the English language. The landed gentry, too, (*propriétaires,*) and persons of substance, of the district, had applied to the bishop of Quebec to constitute professorships of mathematics and philosophy. The Seminary of that city rendered then, as it does still, eminent services to the cause of letters in the colony. The bishop, being interrogated on this subject before the committee on education, testified that "the Seminary was supported out of its own revenues, the employment of which was submitted to episcopal inspection; the bishop, every year, examining its accompts, both of receipts and expenditure, in every particular. This foundation, according to its original titles, was bound only to train young men intended to enter into holy orders, to supply a succession of clergy for the diocese. Nevertheless, ever since the Conquest, the Seminarists have charged themselves, voluntarily and gratuitously, with public instruction. Besides theology, their professors teach the classics (*les humanités*), rhetoric, philosophy, physics, geography, arithmetic, and every branch of mathematical science. From the Quebec Seminary there issue

nominally assigned for educational purposes, were afterwards granted to the creatures or favourites of men in power.

The order of Jesuits having been abolished in 1762 those of the number who resided in Canada would necessarily have no successors, and the government looking a ready ear to despoiling schemes, seized the opportunity presented by this dissolution to possess itself of their landed property. In France, the decrees which ordained the suppression of the order, ruled that its colleges, seminaries, and worldly substance, hitherto consecrated to educational purposes, should still retain that destination. In Canada, on the contrary the government inclined to take for its example the system followed in Britain during Reformation times, when the revenues of religious and scholastic foundations colleges, monasteries, rich abbeys became the prey of a crowd of courtiers, and prize for apostacy. The disposibility of the Canadian Jesuits' estates had already excited the personal cupidity of Lord Amherst and George III, in a moment of inconsiderate liberality, was surprised into a promise that they should be assigned for his lordship's use. The Jesuits' college was closed against the students, by the military administration, in 1776, their classrooms being converted into audience-halls, repositories for public archives, provision store-rooms, &c.; one portion of the buildings being made a prison. Soon thereafter, the greatest part of the whole edifice was turned into a barrack, leaving the remainder, with the chapel, for the use of any surviving Jesuits.

When the chief crown lawyers, in London, applied for the needful evidents whereon to found a title to the property in favour of Lord Amherst, there arose doubts and difficulties in thus transferring it which became insuperable, for, after years of research, in the colony, in Britain, and France, as to its origin, nature, and proper destination, the British government, become enlightened on the subject, gave an indemnity to the Amherst family, and decided that the revenues of the Jesuits' estates should be devoted to educational purposes. The suppression of the order was signified to the bishop of Quebec by the papal government, but was not promulgated for a time. According to the laws regulating the management of ecclesiastical property, upon the bishop rightly devolved the administration of the revenues of the

suppressed foundation; but the colonial attorney general (Monk) and solicitor general (Williams) averred, in 1788, that the Jesuits having no civil existence, as a Canadian corporation, their estates passed rightfully into possession of the crown.

The reports of the several committees were presented in their order to Lord Dorchester, who transmitted them to the ministry in England. They helped to increase the already heavy stock of slumbering documents reposited in the colonial-office, the result of investigations into the affairs of the province, ever since the year 1760.

A grave difficulty now arose. In 1764, Canada was divided into two chief districts, the jurisdictions of Quebec and Montreal. In 1783, Lord Dorchester, in conformity with an order in council, accorded a kind of special government to the immigrant loyalists from the United States, who had settled on the seaboard of the Laurentian gulf, and on the northern lakeboard of Ontario. The territory they occupied was now subdivided into five chief departments: one of these, that on the lower St. Lawrence, took the name of Gaspé; the other four, in Upper Canada, singularly enough, had the Germanic appellations given to them, of Lunenburg, Mecklenburg, Nassau, and Hesse.* The whole comprised a vast surface of country. It was proposed, at first, to extend thither the French laws of the olden province; but as the American refugees located in the new neither understood those laws nor could read the language they were written in, an ordinance was issued, in 1789, modifying the colonial jurisprudence so as to supply the wants and conform to the wishes of the parties. The *anglifiers* in the lower province took occasion, from this temporary difficulty, once more to demand the revocation of the law of 1774, as being thenceforth inexecutable; and loudly demanded

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plain evidence that, in the latter city, a change of the existing system was thought to be desirable. An inspection of the signatures of both documents proves, that in all classes of colonial society, and even in the bosoms of families, opinions were divided on the great question of the time: also that several seigneurs and rich British proprietors, favourable in the year 1774 to the creation of an elective assembly, were opposed to it in 1788.

All the petitions and counter-petitions sent to England in succession, were submitted to the British parliament, between 1785 and 1790; but the pressure of public business in the two houses, during most of those years, prevented their being taken into due consideration till the advent of that last named. Two years before, indeed, the house of commons had promised to attend to them. Next year (1789) Lord Grenville, become colonial minister, sent a project of a constitution for Canada to Lord Dorchester, with a desire that he would give it his best consideration, and transmit any observations that occurred to him on the subject. The independence achieved by the United States caused their mother country to modify her colonial polity considerably. Serious malcontent agitation was then rending her own bosom. The British West India ports were closed against American traders, preparatory to organizing a plan of fortification for those possessions, then under consideration of parliament. The party in opposition were making great efforts to obtain a repeal of the Test Act, and a formal recognition of the rights of conscience. The celebrated Wilberforce was labouring for the abolition of the slave trade: a measure of incalculable consequence, in futurity, for the hereditary slaves within the American Union; lastly, the home government, discarding its antique prepossessions, prepared a constitution for our province, hoping thereby to attach the Gallo-Canadian catholics to British interests. All these projects had for their object, either an intent to paralyze the liberal ideas of the young republic, or to put Britain in a better position to make head against its ambition in times coming, or else to fix a thorn in the side of the Union; by sounding, from the summits of emancipated isles in the Mexican gulf, the trumpet of universal liberty, the tones of which could not fail to reach across the sea,

and find a responsive echo in the cabins of the negro bondmen of the States.*

The plan for a constitution sent to Lord Dorchester, divided Canada into two provinces, contrary to the wish of that governor, who expressed his dissentiment on that point, with reasons therefor, in a despatch to the colonial minister. At the opening of parliament, the king called its attention to the state of Canada, and pointed out the necessity for a change in its system of government. Soon thereafter, Mr. Pitt, then chancellor of the exchequer, recommended the commons to pass a bill for dividing the "Province of Quebec" into two distinct colonies, under the names of Upper and Lower Canada, each section to have a separate elective assembly. "The measure I intend to introduce," said he, "is founded on the proposal, in that regard, submitted to us by His Majesty, who recommended that the province should comprise two distinct legislatures, and each have its own administration. "This separation, I hope, (he said,) will put an end to the competition between the old French inhabitants and the new settlers from Britain and the British colonies:" this division, he trusted, would be made in such a manner as to give each a great majority in its own particular part, although it could not be expected to draw a complete line of separation. Any inconvenience, however, to be apprehended from ancient Canadians being included in the one, or British settlers in the other, would be averted by a local legislature to be established in each.

"In imitation of the constitution of the mother country, he should propose a Council and House of Assembly for each; the Assembly to be constituted in the usual manner, and the members of the Council to be members for life; reserving to his Majesty to annex to certain honors an hereditary right of sitting in the Council. All laws and ordinances of the province to remain in force till altered by the new legislature. The habeas corpus act, already law by an ordinance of the province, to be continued as a fundamental principle of the constitution.

* The author becomes quite anachronistic in the above complicated passage; confounding, as is plain to us, the abolition of the African or over-sea slave-trade, with the local emancipation of the slaves in the British colonies.—*B.*

"It was further meant to make a provision for a protestant clergy in both divisions, by an allotment of lands in proportion to those already granted; and as in one of them the majority of the inhabitants would be catholics, it was meant to provide that it should not be lawful for his Majesty to assent to future grants for this purpose, without first submitting them to the consideration of the British Parliament. Land-tenures were to be settled, in Lower Canada, by the local legislature. In Upper Canada, the settlers being chiefly British, all such tenures were to be in soccage. To prevent any the like dispute as that which separated the thirteen states from the mother country, it was provided that the British Parliament should impose no taxes but such as might be necessary for the regulation of trade and commerce; and, to guard against the abuse of this power, all imposts were to be levied and disposed of by the legislature of each division."

Such were the memorable words by which the British premier announced to the Canadians, in the name of his country, that their nationality, conformably to the rights of nations, would be respected; and that, for their greater assurance, Canada was to be divided into two provinces; so that the inhabitants of each might enjoy in peace their several laws and institutions, within separate jurisdictions.

After introducing the bill thus announced by Mr. Pitt, the British petitioners who had demanded a Constitutional government, and who counted on deceiving all others in the matter—the ministry, the British people, and the French Canadians alike—were astounded at the conditions laid down in the act, especially those which gave equal electoral rights to the men of the two races. They now threw aside the mask, became perfectly furious, and charged their agent in London to protest with all his might against the principle of the measure. Several merchants of London joined in the same clamour. Adam Lymburner had already transmitted to Lord Grenville a plan of representation for Canada, but it was founded on considerations so extravagant (*outré*) that it was at once rejected. The opponents of Pitt's bill were heard in opposition to its several enactments at the bar of the house of Commons. Their chief general argument was, that British interests in the colony were sacrificed by them: and they enlarged

on the evils that would have to be endured by British merchants and residents, if legislation were put in the hands of Gallo-Canadians, (obstinately) attached, as they were, to French laws.*

This party, ever hostile to the French Canadians, and which had, in 1774, tried to prevent their being represented in any way, under pretext that, as catholics, they were not enfranchisable; these men were glad, after the American revolution terminated, to gain our concurrence in demanding the concession of a legislative assembly from the home government, they well knowing that it would never have been accorded at their instance. During two years did they draw up with the men of our race, to obtain their signatures to a demand made in common. They now set about acting on British sympathies in the mother country, in order to regain such a preponderance in times coming as they had always enjoyed till the proposed bill became law. When the party learned, therefore, that Canada was to be divided into two provinces, its leading members recognized, when too late, that they had missed their aim; that their days of domination were numbered, for their supremacy would never again be so complete as it had been; and that, in fine, their long dissimulation had become bootless in helping them to gain their sinister ends. "This law," said Mr. Powys, their advocate, "will not satisfy those who asked for a change, as it does not fulfil the conditions we had in view in soliciting it." The Canadian conservatives took occasion, at this turn, to banter the constitutionalists on their alliance with the common enemies of both. The latter contented themselves with observing, that if too much trust had been put in men whose good faith was problematical, honest credulity was not answerable for the double dealing of its associates; and that, in any case, a desirable project was now realized; partly too, by the alliance of those who had rather that it miscarried.

Before the bill passed its third reading in the commons' house, Lord Sheffield presented a new obstructive application against it

* There was presented, at the same time, a request on the part of several merchants of Quebec, praying that the parliament would reject the new constitution; because, after passing a government bill enfranchizing the Canadians, they feared that an infinity of difficulties would arise, to the great detriment of trade.

from Lemoinier, who put himself forward as the accredited agent of all the constitutionalists of Canada: a signal exemplar of the danger attending the permitting any man to take upon him the discharge of a political mission, in name of constituents whose views are not in perfect accordance with his own. All further opposition to the measure, however, fell to the ground. After a few amendments were discussed and disposed of, including among those adopted one for increasing the number of representatives the bill passed, without a division, in both houses of Parliament.

The measure received the special support of the illustrious Edmund Burke. "For us to attempt," observed this statesman, "to amalgamate two populations composed of races of men diverse in language, laws, and habitudes, is a complete absurdity. Let the proposed constitution be founded on man's nature, the only solid basis for an enduring government."

Charles James Fox, as a member of the whig party, or moneyed and commercial section of British legislators, objected to the division of the province into two governments; but his great mind, still dominated by principles which influence all elevated and generous natures, proposed that the legislative council should be elective, because there were no nobles, or at least no class which could be fairly accounted noble, in Canada; and he also proposed that the representative assembly (in LowerCanada) should have 100 members. "It is important," he further observed, "that this colony, so worthy of liberty, and susceptible of progress, should see nothing to envy in its neighbours. Canada ought to remain attached to Great Britain through the good-will of the Canadians alone; it will be impossible for us to retain it under any other conditions: but in order to this, they must feel that their situation shall be as favourable as that of the people of the neighbouring States."

It was during these debates that the digressions of Burke, on the revolutionary principles then in action among the French people, led to one of those unfortunate differences which sometimes part old friends for ever. Burke and Fox had long been personally intimate. Their great oratorical powers, their vast intelligence, had not served to make them jealous of each other; but political and

philosophical sympathy strengthened the ties of affection which bound them together. But Burke abhorred the principles and proceedings of the French revolutionists; while Fox, on the contrary, embraced their cause with ardour. On the 6th of May, 1791, while discussing the clauses of the Canadian Act, at one of those sharp turnings round a corner which sometimes occur in political argumentations, Fox unwittingly let drive against Burke by suddenly (perhaps bluntly) setting him right on a point of order, when the latter immediately resented the interference with uncommon bitterness. Not content with doing so, he launched reproaches at Fox, regarding (an imaginary) coolness he had seen in him for a length of time past, and thus concluded his (undeserved) diatribe: "To return to the point in hand—it is a question not of routine, but of principle. It is simply this, upon what basis is this new government for Canada to be formed? It is, perhaps, an indiscretion, at my advanced years, to provoke enemies; but I will risk all that, and with my last words exclaim, Shun all French constitutionalism!" Fox anxiously whispered across the table of the house, "There is no loss of friendship between us to follow this, let me hope?" "Yes," replied Burke aloud; "there *is* a loss of friendship. I know the price of the course I shall henceforth take: I have done my duty at the sacrifice of the partiality for me of him I have long loved. Our friendship is at an end! I quit the (revolutionary) camp." So saying, he quitted his seat, and passed to one of the opposite benches. Fox, who had acute sensibilities, was moved to tears, and was fain to conceal them with his hands. The breach thus strangely opened was never closed. The act was also vigorously assailed in the house of peers, by petitioners against sundry of its provisions; and two barristers were hired by the oppositionists to get exclusionizing principles slid into it; but these attempts at its sophistication were even less heeded than others the like had been in the house of commons. "The attachment of the Canadians to their olden ways," said Lord Grenville, "has been treated as caused by purblind prejudice against English law and practice. I think that their attachment to French jurisprudence and traditions deserves another name than prejudice: for, in my idea, it is founded on

the very nature of things, or rather, I should say, on the noblest sentiments in the human breast."

The king himself, who of all born Britons showed the most sympathy for the French Canadians, thanked the two houses, in his prorogation speech, for according them a constitution.

When the new law came into operation, Canada passed under the rule of the fourth government set over her during the past 31 years. Martial law it had to endure from 1760 till 1763; military sway from 1763 till 1774; civil absolutism from 1774 till 1791; finally, a third part elective system, to commence in 1792. Under the three first dominations the people had merely as many varieties of virtual despotism to live under. As to the fourth, it was necessary to have experience of its working before men could form any proper judgement of its nature; for that alone would bring into view its advantages or evils; as much must necessarily depend, not on its theoretical value, but on the practical way in which the home and colonial administrations would see it carried out.

After dividing Canada into two provinces, and apportioning the laws and regulations which were to prevail in each, the new constitution provided, that all public functionaries, beginning with the governor general, should be nominated by the crown, and be removable at the royal pleasure; that the free exercise of the catholic religion, with the conservation of its rights, including the power of customary tithing, should be guaranteed permanently; that the protestant laity should also become bound to support their clergy; that the king should have the right to set apart, for the use of the Anglican Church establishment in the colony, a seventh part of all uncleared crown lands; reserving to himself in exchange, the right of appointing incumbents to vacant benefices. It was also enacted, that the right of bequeathing property, real and personal, should be absolute and unrestricted for all testators and testatrices. English criminal jurisprudence to be that of Canada likewise. In each province there were to be instituted, 1. A legislative council: that of Lower Canada to be composed of 15 members: the Upper Canadian council, to be seven strong only. 2. A Legislative Assembly of at least 50 members, in Lower Canada; in the assembly of the upper province 16 to suffice for

the time. The members for both to be elected by owners of real property of the annual value of £2 sterling, in the rural districts; and those having holdings worth £5 a year, in the towns. Or else, by tenants in urban localities, paying a yearly rent of £10. All powers of legislation for the colony to reside in the assembly and legislative council conjointly, the king or his chief representative having, the former a veto, the latter a power of delaying as to any acts they should disapprove of. The duration of each parliament thus constituted, not to exceed four years; and the two houses (*chambres*) to be convoked in session once at least in every year. All questions in debate to be decided by a simple majority of votes.

A (select) executive council, the members to be of royal nomination, to advise the governor, was instituted; with the powers of a court of appeal in civil matters.

Such was the constitution of 1791. Maugre its numerous imperfections, some of which were fundamental defects, it endowed the colony with a government in which the people could make their voice heard in reprobation of state abuses, even if it might not force or induce the executive to abate or abolish them.

Upper Canada, finding itself thenceforth separated from the lower province, we continue its history no further; the object of this work being to trace that of the French-Canadian people, whose annals expand or contract according as the limits of their territory are extended or abridged by the polity of the home government.*

At the epoch of the introduction of constitutional government, the local population of Canada might amount to nearly 135,000 souls; of whom 10,000 were located, at wide intervals, in the upper province; the whole number of people of British race, was scarcely 15,000. There was 1,570,000 acres (*arpents*) of land under cultivation. In 1765, the whites in the colony were about 69,000 in all; and at that time there were a few more than 7,000 savages within its bounds. There were then 955,754 acres of tilled land,

* "peuple canadien-français, dont les annales s'étendent ou se restreignent, selon que les limites de son territoire sont reculées ou résserrées par la politique métropolitaine."—Vol. III. p. 75

in 110 parishes, outside (*outre*) the towns.* The Gallo-Canadian population had doubled every thirty years, reckoning from A. D. 1679. It was, at the latter date, 9,400 souls; 24,400 in 1720; and 37,200 in 1734. It did not double between 1734 and 1765, on account of the waste of life incurred through wars which filled up much of that tract of time, and the emigration to France which ensued upon the conquest. After 1763, the peopling of the colony resumed its progression.

The trade of Canada had commensurately increased. It was in 1790, that the ancient division of the province into three districts or departments took place. The blind hatred for all things of French origin, had prompted the otherwise causeless abolition of the government of Trois-Rivières; it was now re-constituted under the designation of a "district," by an ordinance of the legislative council, for territorial divisions often levy their own rates.†

The granting (*octroi*) of a free constitution was commemorated by a great public entertainment (*banquet*). An association was formed, taking the name, in accordance with a custom of the time, of "the Constitutional Club," the principal aim of which was to spread political knowledge throughout the country. Its members met every week, for the discussion of political, commercial, scientific, and literary questions. A manual of the constitution was published under the club's auspices, with explanatory notes appended, to make its nature better understood by the people. Public education; should there be an hereditary noblesse? the amelioration of agriculture; the necessary qualities in a representative of the people,—these and other questions became subjects of discussion, which excited great temporary interest; and volunteer teachers came forward offering to educate the children of the people gratuitously. But this ardour cooled by degrees, and imparted

* Letter of General Murray to the lords-commissioners of the Board of Trade and Plantations: "Inhabited houses, 9,722; bullocks, 12,546; cows, 22,724; calves, &c., 15,039; sheep, 27,064; pigs, 28,976; horses, 12,757." In 1761, the total population of the colony was only 60,000 souls, according to the estimate made of it by that general.

† "..car les divisions territoriales s'imposent souvent elles-mêmes.", III, 76.

no quickening impulse to the caterers of news for the public prints, who still maintained their wonted silence on political questions. Hardly did they publish the most colourless opinions in their anonymous correspondence. It was thus that the *Gazette de Montreal* of Mesplet reported that a banquet had taken place, but without venturing to indicate the locality it was holden in, or naming those Montreal citizens present, at which the new constitution had been hailed as a boon by the younger townsmen. Among the toasts reported as having been drunk, after the king's health was duly honoured, we find the following:

Abolition of feudal tenure.

Civil and religious freedom.

Liberty of the press.

Freedom and integrity of jurymen.

The French Revolution.

The Polish Revolution.

Revocation of the militia ordinance.

Revocation of all existing ordinances detrimental to personal freedom.

Abolition of the system of investigations; because it leads to abuses, is hurtful, and gives rise to enmity and personal hatred.

From these demonstrations we may form some notion of the spirit which animated Canadian citizens at that epoch of our history.

Here we pause, in our narration, to cast a retrospective look for a moment. We have now arrived near the close of the 18th century, and at the epoch of the introduction of representative government to Canada. Ever since the year 1755, we have seen that every kind of calamity afflictive to a people, conjoined to crush the Canadians. War, famine, devastations, alien subjugation (*conquête*), civil and military despotisms, deprivation of political rights, abolition of their institutions and ancient laws—every form of suffering, in a word, weighed, simultaneously or in turn, on our country during the space of half a century. One would expect that the Gallo-Canadian race, so few in number and so much harassed, would totally disappear amid those prolonged and terrible tempests raised by the great nations of Europe and America; even as a skiff is swallowed up by the raging waves and

leaves no trace of its existence. Deserted, almost forgotten by the mother country, in whose revived memory our name has now become a subject for remorse; scarcely known to other nations, whose powerful sympathies it could never excite, we have resisted unaided, uncheered, all the attempts which have been made to absorb us; and our separate entity we have successfully maintained, to the surprise (and confusion) of our baffled and discouraged oppressors. Our people, admirable alike for their perseverance, courage, and resignation, have never for a moment ceased to hope for the best. Faithful to the religion of our fathers, revering the laws they bequeathed to us, and cherishing the language whose harmony charmed our infantile ears,—that language preferentially adopted, in our own day, by the greatest foreign philosophers and leading diplomatists,—not one French-Canadian, of unmixed blood (*de père et de mère*), has yet, in this lower province, disowned his regard for these three great symbols of his nationality; namely, our language, laws, and religion.

The change of government at the Conquest, led to a radical change in the *personnel* of men in place. Trade passed bodily into the hands of the victors. The British merchants and functionaries, isolated amidst the Canadians, clung to each other for mutual support. Together they plotted the annihilation of the language, laws, and customs of our people, as the promptest and surest means of dominating and making their market of them. They thought this would be all the more easily done as the Canadians were, if only through being catholics, excluded from the pale of the British constitution. The proclamation of 1763 seemed, at first blush, to favour such views; but when, in conformity to one of the clauses in that document, a representative assembly had to be convoked; and when it was seen that the ultra-protestant party would insist on the rigorous application of English disqualifying laws, which ruled that catholics could neither elect nor be elected,—the governor shrank from investing with absolute power of legislation from 200 to 300 adventurers; men mostly of equivocal character, too. The functionaries submitted in silence; but the commercialists, less dependent on authority, murmured against what they regarded as feebleness. From this time, the tie uniting the functionaries to their compatriots was

loosened. The former, conforming themselves to the inspirations of the home government, became, in appearance at least, more moderate than before; the latter sought, by violent opposition, to extort the concurrence of the ministry in their suggestions, being sure of the influence, in their favour, of London trading houses. The American revolution, however, removed further from their reach the goal they strove to arrive at.

The law of 1774, passed in view of attaching Canada to its dominatrix, restored the French laws; and put our people, as to their political rights, on an equal level with the British-born: the latter, in consequence, set themselves earnestly to oppose it. The functionaries found (as they worked it) the new constitution quite admirable: it, in fact, put all power into their hands, for most of the members of the legislative council were placemen. As such they were opposed to change in every form, but most of all to the establishment of an elective assembly, which (they foresaw) would limit their authority, lessen their privileges, and reduce their exorbitant patronage. The merchants, become antagonistic to them,—and who were all the more jealous of the legislative council, that several Canadians had recently obtained seats at the board, and were therefore able to protect Canadian interests,—loudly demanded that a free constitution should be accorded by their mother country. Long were they self-deluded with the conviction that men of catholic faith, stopped at the threshold of enfranchisement by the operation of the Test Act, as in Britain, would not be allowed to take their seats in a legislative assembly. It was only after being formally assured of the intents of the ministry in this regard, that they abandoned their exclusive pretensions, and acquiesced, first murmuringly and then sullenly, in the constitution of 1791, as a measure it were vain to oppose for the time. But their resistance to it was not yet over; for, returning to the charge, as soon as the ministerial bill came under discussion in parliament, they tried to have the disqualifying provisions of the Test Act extended to Canada; they endeavoured, also, at the abolition of the French laws in the colony, and that its catholic clergy should be shorn of their privileges: finally, unfairly striving to extract party advantages even out of defeat, they strove to have the electoral franchise so arranged as to ensure the return of a majority of

protestant assembly-men; just as they already had obtained a numerical preponderance in the legislative council by the more direct means of royal nomination. Driven out of this position also, they were fain to quit the field, and perforce let the Canadian constitution of 1791, almost unmodified, become the law of the land.

That colonial charter, while ensuring a constant majority of Canadians in the representative chamber of the legislature, through the numerical superiority of their constituents, caused a renewal of the partisan alliance between the chief sections of the British population; or rather between the government functionaries and the mercantile class, whose interests and sentiments were once more in perfect accordance.

The parties thus conjoined formed a real faction, whose ranks had lately been recruited by the arrival of immigrant American royalists, with minds corroded by the chagrin attendant on constrained expatriation. These lent the energy of political passions and personal hatreds to the malcontent British; all the parties, principals and auxiliaries, brooding over the loss of prescriptive domination over their fellows. This triple faction and its accessories attempted (*osa*) to compass the proscription of the French language in the halls of legislation, by means even of majorities, mostly composed of men who spoke no other tongue; and the same party succeeded in procuring for itself the power of suspending the habeas corpus act; and in authorizing the executive councillors, or any three of them, to issue a warrant to imprison any citizen for a (real or alleged) political offence. The (royalist) party had likewise influence enough with the home authorities to bring about the rejection of the law of 1799, which assured to the people the power of taxing themselves, and controlling the levying and employment of money for public uses.

The same faction set up a cry of *Treason!* when the assembly passed a law charging the colonial budget with the whole allowance for the civil list, a portion of which expenditure had thitherto been paid by the mother country: and we shall have occasion to learn, by and by, how the party made use of the suspension obtained of habeas corpus to intimidate the assembly, by imprison-

ing sundry of its members, and generally arrogating to itself an authority which the laws did not sanction.

From the time that constitutional government came into operation, partisanship, in its several varieties, manifested its animus and tendencies in a far more rampart manner than ever before. The British party, unwillingly made sensible of its self-deceptions, now attached itself to the executive branch of the government with a kind of desperation (*dépit*). It was still, however, in good plight, having nothing to complain of as to its share of political power; for its leaders were lords of the ascendant in the legislative and privy councils, and had the chief direction of the administration. The Canadian or country party was paramount in the assembly alone; and, as was natural under the circumstances, soon got into opposition with the two other branches of government, as well as into personal collision with the (principal) public functionaries, the latter, at the very outset, detesting the representatives (as finding them inconvenient censors of their acts). Hence the prolonged contentions (*démêlés*) which will be found to signalize our annals, despite the (supposed healing) introduction of the elective principle; an exposition of which misunderstandings serves to show the Canadian character under a new aspect. Intrepid and persevering in fields of battle while under French domination, we are about to see our countrymen, become subject to British governance, manifest equal spirit and constancy in struggles of another character, and distinguish themselves by energy and talents thitherto undeveloped.

The two athletes about to catch the eye as foremost in the parliamentary arena, will be Messrs. Bedard and Papineau; whom tradition represents to us as patriots of rare talent and uncommon oratorical powers. Both were the firmest defenders of our country's rights, yet the most faithful and disinterested of advocates for the supremacy of Britain; for the royal cause the latter showing himself most zealous, during the American revolutionary period.* Neither of the twain was of superior birth; but both

* A Canadian officer, M. Lamothe, had brought into Canada some despatches, from Lord Howe, meant for General Carleton, but addressed to the Seminarists of Montreal. M. Papineau, then a young man, accompanied M. Lamothe in conveying them to Quebec. Secreting the

had received a liberal education in the college of Quebec. M. Papineau soon became the most notable orator in both legislatorial halls. Majestic of stature, imposing in mien, having a strong and sonorous voice, gifted with vehement eloquence and great argumentative powers, he could not but exercise a commanding influence over his hearers. His patriotism was of the purest; and as its quality was never called in question, he preserved, to the latest day of his life, the confidence of his fellow-citizens; all of whom were proud to manifest a special respect, during the concluding years of his career, for that fine bust, and those grey hairs crowning the venerable head and intelligent countenance of him whom they loved to look upon.

M. Bedard was far from possessing the like personal advantages. With a visage, the strongly marked features in which were hard and irregular, his movements were ungraceful, and he had a slovenly outer man. Whimsical and regardless by nature, he took little interest in most of the business transacted in assembly; and he spoke, generally, with heedlessness: but when any subject much attracted his attention, or greatly excited his sympathies, his wonted (or seeming) indifference was exchanged for an almost feverish earnestness. Perceiving at a glance every aspect of the question debated, he addressed himself to its consideration expansively, but not at first without some embarrassment. His exordium was laboriously and hesitatingly delivered; but as the subject warmed him, his expressive countenance became animated, his voice firm and commanding; thenceforth the stream of his oratory flowed on strong, clear, and deep. He combated antagonistic speakers with irresistible potency of logic: his courage quailed before no opposition, nor could any consideration prevent his adhering to well-considered convictions. Hence, we shall see him contend, in the first instance, against the

missives in hollow walking-sticks, they took the road along the right bank of the St. Lawrence, avoiding the revolutionory soldiery and their Canadian sympathisers—passing on, from parsonage to parsonage (*presbytère*), till they reached Quebec, on the 11th of March; and, having delivered the despaches, they entered as volunteers in Captain Marcoux' company, taking part in the defence of Quebec, till the siege was raised.

extravagant conclusions of the British oligarchy, and afterwards oppose the tyrannic tendencies of Sir James Craig, whose despotic power he set at defiance, his mind rising superior to the general fear that personage had inspired; in which fearless course he had more admirers than imitators.

Such were the two men whom we are to accept as our parliamentary champions during the earlier years of constitutional government in Canada.

BOOK THIRTEENTH.

CHAPTER I.

CONSTITUTION OF 1791.

1792–1800.

Establishment of Representative Government.—Convocation of the two legislative chambers by Sir Alured Clarke.—The British party attempts to supersede the use of French in parliamentary proceedings: warm discussions occasioned thereby, ending in the *anglifiers* being out-voted.—Hot debates on the same subject nevertheless occur when the rules of the assembly are under consideration: the British party finally obliged to give up its attempt.—Labours of the session: projected poor law, bills regarding public education and highways in the colony.—Disposal of the Jesuits' estates.—Subsidies granted.—Administration of justice.—Prorogation of the legislature.—Lord Dorchester convokes the two chambers.—Organization of the militia. Public accompts.—Colonial judicature.—Suspension of the habeas corpus act.—Associations to support the government.—Third session: public income and expenditure.—The currency.—Lord Dorchester replaced by General Prescott.—Session of 1797: Defection of Messrs. de Bonne and De Lotbinière.—Treaty of commerce with the United States.—French emissaries.—Executive sway becomes absolute: reign of teror.—Execution of McLean.—Sessions of 1798 and 1799.—Amelioration of the prison system.—Imposts; public revenue.—Disputes between the governor and the council regarding the crown lands.—Prescott and judge Osgood recalled.—Sir Robert Shore Milnes convokes the chambers in 1800.—Renewed allusion to French revolutionary principles: motive for that policy.—Proposal to expel a person named Bouc from the assembly.—The government enters upon possession of the Jesuits' estates.

The epoch of the introduction of representative government is one of the most remarkable which our history presents. Not that the constitution of 1791, as it was at first followed out, became an equitable system of governmental rule; but because the extent

of freedom that it did confer upon our fathers, vested them with a power at least, to make known their wishes and their wants. Public suffering, the complaints of which had hitherto been forcibly repressed, became solaced in knowing that its voice would find utterance, and assuredly reach the ears of men in place at the central seat of power.

Nevertheless, the first Canadian constitution was far from realizing, in operation, all the expectations its advent gave rise to. The King, or rather the chiefs of the colonial-office in London, who alone were cognizant of what was passing in Canada, embodied royal supremacy, or the first of three branches of the legislature; the legislative council was the second, but as this body was made up of crown nominees, it followed that these persons would certainly be obedient to the wishes of the executive, in all things: and thus there was, of necessity, a sentiment of unity in aspiration and action between two of the parties in the state triad, which made the twain an overmatch for the third, or popular branch. Thus one of the inherent vices of the constitution was the (virtually) subordinating viceroyalty, and its selected councillors, to the head of a special department of the British home government; for by this means the colonial administration in the metropolis of the empire really shaped the proceedings of two branches of our legislation, while nominally it was only the director of one. This capital defect in the new system, had been foreseen by only a few persons of experience in public affairs; and these foreshowed a renunciation of the experiment at a time more or less near, but not far distant. The masses, not so quick of perception, neither distrustful of appearances, believed in the promises of Pitt, that, the legislation of Lower Canada, so far as it was possible to make it compatible with British supremacy, would be founded on their interests, and, as it were, became the embodied expression of their wishes and sentiments. The division of Canada into two provinces, in view of ensuring to its ancient inhabitants the maintenance of their laws, customs, and nationality, in accordance with Pitt's (declared) intentions, failed in giving the French-Canadians any real preponderance.

The number of representatives they had in either council were always ridiculously few, except at the outset, when they were as

4 to 8. But it was soon found that only the most supple councillors could retain their places; and, by the year 1799, out of 21 members in council, only 6 were Canadians.

Lord Dorchester having obtained leave to revisit England, left accordingly, transferring his functions, for the time, to Major General Alured Clarke. Shortly after his lordship's departure, Clarke fixed the time of elections for the assembly to be in June, 1792, and the first meeting of the conjoint legislature to take place in December ensuing.

After the manifold attempts which the British party had made, ever since the year 1764, to obtain measures of proscription against the Canadians, it will be readily imagined that they generally refused their votes to men known to belong to that section of the community. Yet such a result did not follow, to the astonishment of many. Two reasons may be assigned in explanation of this fact: firstly, people in general knew but in part the lengths to which British intriguing had been carried, because these had either taken place in the dark, or been glossed over by fallacious explanations—a thing not difficult to effect at a time when the newspapers contained no political essays or any discussion on local passing events; secondly, most people judged, and not unreasonably, that those candidates who had been bred in a country long used to free institutions, would be most likely to possess the proper experience for turning them to account; so the qualified Canadians gave their votes to British aspirants, wherever they presented themselves, without exacting from them any other guarantee than their promises.* Out of the 50 members selected there were 15 English-

* Our faith in the public spirit and private disinterestedness of the Canadians, whether past or present, not being so robust as M. Garneau's, we incline to suspect that their inveterate antipathies must have been temporarily overcome, in such cases, by something more cogent than what is called "the word of a gentleman." We are all the more likely to be right, if it were true, as the author asserts, that the earlier British immigration was of a character discreditable to the mother country. Unfortunately, the fixed belief of too many electors in that day as in the present, that a vote is of no manner of use to a man unless he can sell it (and get what is thought a fair price for the same), is not confined to the Canadian race. But looking merely at the probabilities

men; whereas not one would have obtained a seat, had the electors manifested the same spirit of exclusiveness as the petitioners of 1773. The people of Canada ran a great risk in thus confiding their interests to their bitterest foes; but the French governors of the olden time did not leave a distrustful or vindictive people behind them. (!) The votes which the British members gave against using the French language at the opening of the session, alone could excite suspicion in the Canadian breast, naturally so honest and confiding, and showed the people the danger of being so thoughtlessly generous.

The assembly-men and legislative councillors met Dec. 17, in separate halls of the episcopal palace, a building which had been turned to secular uses ever since the Conquest, the bishop now lodging with the Seminarists. When the members of each body had taken the required oaths, the Governor, seated on a throne and surrounded by his staff officers, &c., desired the assembly-men to choose a president, and present the president-elect for his approbation.

The choice made would be necessarily indicative of the political temper of the chamber. The British members proposed the abolition of the French language in the minuted proceedings (*procès-verbaux législatifs*), and nominated a gentleman of their own nation as president. The election was adjourned till next day, after a debate and division, which were entered upon (*provoqués*) by the two parties, in order to test their relative strength, which proved to be as two to one.

On the second day, M. Dunière proposed Mr. J. A. Panet, as a fit and proper person to fill the chair. The British party presented, in succession, Messrs. Grant, M'Gill, and Jordan;

of the subject we started with, we think that the disproportionate number of Britons returned as members for the first assembly, was attributable to two potent causes,—one positive, the other negative, but neither of them that assigned in the text. The successful British candidates, in soliciting Gallo-Canadian votes, *paid high* for them; while Canadian applicants, either never said "money" at all, or could not bring up their patriotic (penurious?) minds high enough. In one sense (but not M. Garneau's), "l'expérience utile des institutions libres" possessed and put in practice by the first British-born M. P.s of Canada, doubtless stood them in great stead upon the occasion mentioned.—*B.*

none of whom were distinguished except for their successful trading speculations. The party hoped by their perseverance to intimidate their adversaries, unused as these were to parliamentary tactics; at the same time, accusing the Canadian party of being factious. The debates, very animated and much prolonged, foreshowed a stormy session. M'Gill, who proposed Grant, and was himself proposed by another member, gave as his reason for opposing Mr. Panet, that it was needful the president should be conversant with the two colonial languages, English more especially. It was replied that the gentleman thus objected to knew sufficient of both to conduct the ordinary business of the chamber. Another (British) member, Mr. Richardson, alleged that the French-Canadians were bound, by every motive of interest and gratitude, to adopt the language of the *step-mother* country (*la métropole*); and sustained his opinion so plausibly, that he brought Mr. P. L. Panet himself to adopt the same sentiment. "Is not this country a British possession?" demanded the latter. "Is not the English language that of the sovereign and the British legislature? Ought we not, then, to speak English in British legislatorial halls, whether located in London or Quebec?" This reasoning, which had more servility than logic in it, convinced none of his compatriots. The discussion of such a proposal was in itself fitted to excite the most hateful passions: "Is it because Canada forms part of the British empire," demanded M. Papineau (whose past fidelity to British interests weighted his words), "that Canadians, who speak not the language in use on the banks of the Thames, are to be deprived of their natural rights?" This apostrophe, followed by a forcible and logical discourse, disconcerted the opposition; and other speeches, of like import, from Messrs. Bedard, De Bonne, and J. A. Panet, occasioned its total discomfiture. The latter admonished the assembly, that "in the British Channel-Islands, Jersey, Guernsey, &c., French is commonly spoken, although these isles had formed part of Britain ever since the Norman Conquest; and in no part of the Britannic empire is there a more loyal population." He might have added, that during three centuries following that of the Norman Conquest, at the royal court, in the church, in the courts of law, among the nobility, French was spoken in England; that it was the maternal

language of Richard Cœur-de-Lion, of the Black Prince, and even of Henry V; that those illustrious personages were intensely English, notwithstanding; through the prowess of their cross-bowmen of Brittany, and their cavaliers from Guyenne, they exalted the glory of England to a pitch which the kings of Anglo-Saxondom never could attain; * in fine, that the origin of the grandeur of the British nation was due to those heroes and to the Norman barons who signed Magna Charta,† and whose *opinions* ‡ had always preserved their influence in the country.§

The discusssion terminated in the election of M. Panet; but not one British member voted in his favour, while two of his own compatriots voted against him. The majority was 28; minority 18.

The British element, despite its numerical weakness, ever sought to dominate the country party through the *prestige* of metropolitan potency. The president chosen, though not a man of superior talent, was experienced in business, being the best employed barrister (*avocat*) in the colony. He had a cultivated mind, easy manners, and the polish of good society: he was also a fluent speaker.

December 20th, the governor approved the choice the assembly had made; and, at the same time, delivered an address to the members of council and assembly, in which he recommended a unity of sentiment (*l'harmonie*). "On a day like this," thus spoke the governor, "signalized by the commencement, in this country, of that form of government which has raised the king-

* We know that two-thirds of the army of the Black Prince, at the battle of Poitiers, were Frenchmen.

† Say rather extorted the signature of the base and cowardly king. A few months afterwards (Aug. 1215), pope Innocent III annulled (so far as he could) the said charter; which was not the real palladium of English liberty, but an illusory document virtually sanctioning the unrestricted predominance of the Anglo-Norman feudalry.—*B.*

‡ What were these? Reverting to the contentment of the Channel Islanders, which still exists, it proves that they have the sense to know they are well off. This is more than can be rightly said of *all* other French-derived sections of the British people.—*B.*

§ The spirit of "*Nationalité*," it seems, was deficient among the Gallic race in those days!—*B.*

dom to which it is subordinate, to the highest elevation, it is impossible not to feel emotions difficult to be expressed. To give an opportunity for your loyal and grateful acknowledgements to His Majesty, is one of my motives for (specially) calling you together; and that debt discharged, your councils will, doubtless, be next employed for enacting the laws necessary to confirm and augment the prosperity of your country." *

The reply of the president, in name of the assembly, was simple and respectful; but that of the legislative council anathematized the French Revolution, and expressed gratitude to Providence for having saved Canada from the domination of a country wherein deeds were doing befitting a horde of barbarians. Such reflections, just enough perhaps in themselves, could hardly be agreeable to the Canadians; who ever cherished feelings of respect for the people of the country of their own forefathers. Accordingly, the disparaging allusions thus made, were regarded by the people as a fling at themselves by the councillors, who thus seized the opportunity to give vent to their anti-gallican bile.

The two chambers afterwards voted an address to the king, thanking him for according to the country a new constitution; and then set themselves earnestly to expedite parliamentary business. In the settlement of forms for conducting it, the assembly was guided by those of the house of commons, but which had to be modified to adapt them properly to somewhat differing needs. This part of the work, as soon as begun, gave rise to the discussion of a very thorny question.

As it was proposed to draw up the minutes (*procès-verbaux*) in both languages, Mr. Grant moved, in amendment, that they should be couched in English only, with liberty to make a French translation of them (wholly or in part) for such members as should desire it. After a violent contestation, his amendment was rejected. Discussion, of a kindred nature, was revived, when the report of the committee was presented. Grant renewed his proposal, in order, he urged, to preserve that unity of legal language,

* The portion of the governor's address given by M. Garneau tallies pretty nearly with the above; but we have preferred to give the exact words, as reported by Mr. Christie.—*B.*

which no subordinate legislature, according to him, had a right to change.

M. de Lotbinière observed, in reply: "The greater number of our constituents being in an exceptional position, we are constrained to depart, in this regard, from ordinary rules, and to reclaim the use of a language which is not the common speech of the people of the British empire; but being as equitably inclined towards others' wishes, as, we trust, they would be indulgent to ours, we desire not that our language should exclude that of the generality of British subjects, in this chamber; we therefore demand that both theirs and ours should be brought into play; in a word, let the minutes, 'orders of the house,' &c. (*procès-verbaux*), be drawn up in the two languages." M. de Rocheblave spoke in his turn; saying, "Why, then, do our British brethren ever cry out against the decision we have come to, of retaining our customs, laws, and mother tongue,—the only means left us for defending our properties? Because being masters, without any competitors, of the trade of the country, the produce of which passes through their hands entirely, would they not be the greatest losers if the colony were upset by the convulsion (*bouleversement*) which their injustice (if continued) will infallibly provoke? And are we not rendering the greatest of services to them (as well as to ourselves) to oppose them in this matter?"*

These discussions made a strong sensation among the people of Canada. "The renunciation of one's maternal language it is not in the nature of man to do," says a learned author;† "it lives with him as long as he exists, even if it do not outlive him." Accordingly, all the credit resulting from the discussion remained with those who opposed the oppression attempted to be inflicted; and, on the second as upon the first occasion, Grant's amendment had the effect of ranging all the British members on one side, and the Canadians (always with the exception of M. Panet) on the other. Several other amendments, of the like sort, were again proposed by Messrs. Lees, Richardson, and other notables of the British party, but they were all rejected after discussions which lasted three days. The definitive resolution was, that the minutes,

* *Gazette de Montréal*, Feb. 14, 1793.

† Letter *On the Origin of the Sciences*, by Bailly.

&c. (*procès-verbaux*) of the two chambers should be written in the two languages, but that the laws passed were to be drawn up either in French or English, according as they had reference to French or to British laws in force for Canada.

In respect to this important question, it was seen that those British members elected by Canadians betrayed, without hesitation, the trust reposed in them by compromising the interests and outraging the feelings of their constituents. Their conduct on the occasion plainly showed that the parties' evil animus had undergone no change since the days of 1764; and that they were still the agents of faction (*organes du parti*) which cherished so intense a dislike for everything French and catholic: a blind hatred, which impelled one of their partisans (Mr. Fleming) to pen the following lines: "The law of 1774 was imprudently liberal to the clergy and higher classes, and that of 1791 to the whole Canadian people. The latter confirmed French civil procedure, guaranteed the free exercise of the catholic religion, and sanctioned the payment of tithes. It modified the oath of fealty so that catholics could subscribe to it, ensured to Canadian Romanists the rights of property, also their laws and customs, preserved their language and land tenures, and gave them representation based on population; and all without making any reservation in favour of the British or their language. The passing of that law is the greatest fault that the government of Great Britain ever committed, as it affected the destinies of a people (*puisqu'il s'agissait d'un peuple*) differing in habitudes, laws, and religion from the British nation.

After disposing of a question so difficult, the assembly could address itself calmly to the consideration of numerous legislative measures submitted to it. One bill was brought in for the establishment of parish schools; two others, for the abolition of slavery and tolerating the profession of quakerism: only the latter passed. That regarding slavery was shelved; probably because the force of public opinion, which then began to take hold of the subject, appeared to be sufficient, without any formal enactments, to cause the abolition of an institution which never throve on the banks of the St. Lawrence. The first census in which evidence is given of there being slaves in the country at all, is that of 1804. The

total number of blacks of the two sexes, returned as being in the colony, was then 304; namely, 212 in Montreal district, 4 in that of Trois-Rivières, and 88 in Quebec district: whence we may conclude that at the Conquest epoch, some forty years before, there were none of the race in Canada. A portion of the slaves resident in our territory, at the beginning of the present century, belonged to merchants, and nearly a moiety of them (142) were located in Montreal itself—a city more in direct communication than Quebec with the American slave states and southern regions, wherein slaves constituted a great part of the population. It is to the honour of the Canadian government and clergy, that they have always been adverse to the introduction of the blacks. The firmament of Canada is not favourable to bondage. Slavery cannot flourish in its free air (*prospérer à sa clarté*). Far from that, it ended in spontaneous extinction, without being terminated by a positive law; and, many years ago, the few slaves imported disappeared from our soil.

Public education was one of the earliest questions discussed in assembly after that regarding the two languages. We have seen that the Jesuits' college was arbitrarily suppressed by the government, without form or process; and that the Canadian people had reclaimed, ever since the year 1787, its right to the confiscated estates of the order, to devote the revenue accruing from them to their primitive destination. In 1793, the inhabitants of Quebec and its environs addressed a second petition to the legislature, in which they replied to the memorials of Lord Amherst and the opinions (*consultations*) of the crown lawyers on the subject. They represented that the nature of the titles and conditions attending the foundation of the Jesuits' college in Quebec had been falsified (*déguisée*) in Europe; that Canada had been deprived of public schools ever since the Conquest; and that the evil (*malheur*) might fairly be attributed to the efforts of certain individuals, who coveted the possession of the estates of the Jesuits. A majority of the assembly agreed in the conclusions of the petitioners; and M. de Rocheblave proposed that their requisition should be referred to a committee of nine members, who were to verify with precision the allegations thus made regarding the titles to that property.

Mr. Grant opposed the motion, because it involved, according to his notion, a tacit recognition of undue proprietary right; and he proposed an amendment by which, while acknowledging the royal power to dispose of the estates at will, he was solicited to make them available for educational purposes. The adoption of such an amendment, on the other hand, viewed analogically, would have put all other religious property at the mercy of metropolitan decrees. The fears that got abroad were not all imaginary, for a rumour ran, that the government was about to lay hold on the Recollets' convent, and to appropriate it to protestant worship; which, in fact, did take place, after the buildings were consumed in 1796. It was not forgotten, either, that another valuable ground-space, belonging to the Ursulines, was taken without any compensation to that sisterhood. After long debates, both the original motion and the amendment upon it were let drop when the subject was formally reported. The bill on education was left in abeyance, till it could be discussed in a committee of the whole. It was resolved, meantime, to present an address to the king, simply praying that he would apply the revenues of the Jesuits' estates to the instruction of youth, no mention being made of public right to the property. Thus was the general school question indefinitely adjourned.

The assembly next turned its attention to finance. One of its most important resolutions regarding it, was that in which a declaration was made, that the voting of subsidies was an unlimited right inherent to itself alone; and that no financial bill could, of right, be amended by the legislative council in any way. The assembly also passed a law imposing customs duties on imported strong drinks, in view of raising a revenue to meet legislatorial expenses. This measure was necessary, to ensure the independence of the assembly, for the home government had, previously, furnished part of the Canadian budget. Finally, the assembly turned its attention to the administration of justice; and the legislative council communicated to it a bill on the composition of the tribunals, a measure which was ordered to stand over till next session.

Such were the chief subjects which engaged the attention of the legislature in 1792. The debates entered upon had been advantageous, in several ways. The discussion on the rules of assembly

made the members acquainted with parliamentary routine; while the French politeness which the Canadians observed at the sittings, and manifested in the debates, gave to the body an air of respectful gravity, unknown to the British house of commons, wherein the members sit wrapped in their mantles, with covered heads, and cane or switch in hand—just as if they were in a market-place (*foire.*)*

The principal event of the session was the triumphal retention of our language; a result which (itself) manifested Canadian aptitudes for carrying out the new form of government. The subtle, litigious, and disputative character, which many of the members derived from Norman ancestors, found exercise in parliamentary controversies; and the characteristic submission of Canadians to the laws, was one of the essential conditions for fitting them to enjoy free institutions.

The legislature was prorogued on the 9th of May, after the executive had sanctioned eight acts passed by the two chambers. The governor, in a closing discourse addressed to both, expressed great satisfaction at the loyalty shown to the king, and attachment to the new constitution, at a time when the French Revolution forced the (conservative) nations of Europe to take part in a struggle perilous to the stability of society itself. He expressed his trustfulness, on this occasion, that, in the coming session, the chambers would return to a consideration of two subjects, to which he had already called their attention; namely, the administration of justice, and (this business being yet more urgent, he said, than all others), an organization of the militia, for defence of the country in case of war.

The progress of the French Revolution, which then attracted the regards of the nations, and which, like a fiery meteor, threatened to extend its own combustion to all Europe, stirred up the feelings of the masses everywhere, and filled their rulers' minds with profound terror. Great Britain, as a near witness of the

* Parts of this unflattering account of the habitudes of our British commons will be *news* to those of our readers who have visited the house when, the speaker being in the chair, they found any important business under discussion.—*B.*

spectacle then in action, was especially moved with astonishment and fear.

Its subjects offered, its government demanded, testimonials of fidelity to the king and attachment to established order: so much suspicion, and so great a distrust, were prevalent, and such pressing need was there for mutual assurance and support, between rulers and ruled. In Canada every one was *reserved* in word and act; and, while reclaiming the use of their national language, its people protested without ceasing, in the strongest terms, their attachment to the throne. That reservedness in the tone of their discourse (*langage*), and this firmness in their principles, insured, for the moment, two advantages to the country: interior tranquillity and the conservation of its rights. The British party renounced its exorbitant pretensions; whether for that it saw the bootlessness of its efforts, whether because it received from headquarters monitions to be prudent; whether, in fine, it elected to remain still and bide its time: whatever way, while much of the Old World was inflamed, Canada appeared to enjoy peace and liberty alike, two benefits both new to the colony.

Such was the posture of matters when Lord Dorchester resumed his governorship in 1793. European troubles, which threatened to extend to America, and the governor's popularity, were probably the moving causes for the British ministry's engaging his lordship to take up the reins of the colonial government for the third time. His renewed presence was hailed by the Canadian population, but he was coldly received by the British sections; who found afterwards, in the opening discourse which he gave before the two chambers, expressions too favourable by far to Canadian representation in the legislature!

He came charged with novel and very ample instructions for his guidance. They ruled (*inter alia*) that all nominations to office should hold good only during the king's good pleasure; that crown lands should be conceded alone to those capable of turning them to account, even then only after being divided into townships (*cantons*); and that the two seminaries (of Quebec and Montreal), as well as the religious communities of women, should remain in perpetuity, being administered in accordance with the rules of their foundation. The governor was further empowered to nomi-

nate a new executive council, composed of nine members, four of whom to be Canadians.

When the chambers re-opened in 1793, the governor called their attention to the organization of the militia, and the administration of justice; intimating, at the same time, that the expenditure for the colony still exceeded its revenue.

The second session lasted longer than the first; for it endured from the month of November till June ensuing. Nevertheless, only six acts were passed; among the number, a law authorizing the executive to suspend the operation of the habeas corpus act, as against aliens suspected of seditious conduct. This (exceptional) law was afterwards annually and continuously renewed up to the year 1812.* The intrigues of M. ("Citoyen") Genet, ambassador from the French republic to the United States, and his emissaries in Canada necessitated, it was said, these measures of precaution, the abuse of which, under the Craig administration, was afterwards to agitate the country. Harmony reigned, meantime, throughout the whole course of the session. M. Panet, appointed a judge in the court of common pleas, was elected president of the assembly, without a dissentient vote. The pacific spirit of the governor already influenced the oppositionists.

It was during this session that the public accompts were first published for the information of the tax-payers. In the message accompanying their presentation to the legislature, Lord Dorchester recommended that fixed salaries should be paid to the public functionaries, and advised the abolition of all arbitrary and varying emoluments, as being liable to abuse; he also proposed that the amount and rates of taxation levied for state needs, should be made exactly known. The annual revenue, as then realized, did

* The measure thus noted, was simply an extension of the British Alien Act passed the same year (33 Geo. III c. 4) to Canada. That precautionary law (with the 34-Geo. III, c. 43, 67, and others), was passed entirely from general motives of policy; and its most stringent enactments were inserted more immediately on account of the great number of foreigners who came to England in 1792-3. But the exercise of the royal prerogative, sanctioned by common law, needed not, in a common-sense point of view, to be recognized by statutory enactment. "Salus populi est suprema lex."—*B.*

not equal a third of the expenditure for the civil administration, which amounted to £25,000. The deficit was made up by the home government.

The colonial receipts were derived from customs duties on wines, liquors, and molasses; from licenses paid by innkeepers; from fines and confiscations. In effect, it may be said, that taxation was then unknown in Canada.

The governor, without demanding, in express terms, a subsidy of sufficient amount to enable income and outlay to balance each other, called the attention of the chamber to the propriety of finding some means to increase revenue, and for providing regular supplies (*pourvoir au budget*): the assembly erred in neglecting this intimation. Subsequently, when the members wished to repair their default, in order to have a means in hand to control the administration, their offer to defray all state costs was imputed to them as a crime: so much do the interests and passions of men put them in contradiction with themselves!

While the legislature was thus employed, with passable unanimity, on financial business, revolutionary ideas were constantly making headway, and the Canadian government did not appear to feel quite assured of a continuance of the prevailing tranquillity in the country. Lord Dorchester sometimes allowed his equanimity to be overcome by vague apprehensions. His anxieties manifested themselves upon the occasion of adjourning the houses of legislature, when he recommended the members to concur in maintaining established order. "I do not doubt," said he, "that when you return to your several homes, you will zealously diffuse among all ranks of people, those principles of justice, patriotism, and loyalty, which have characterised your public labours during the long session just closed; and that you will use your best exertions to find out and bring to justice those evil-disposed persons who, by inflammatory discourses, or the spreading of seditious writings, endeavour to mislead the unwary and disturb the peace and good order of society; and that you will avail yourselves of every opportunity to convince your fellow-subjects that the blessings they enjoy under a truly free and happy constitution can be preserved only by a due obedience to the laws; [breaches of which are all the more inexcusable, as the constitution itself has provided

for the safe and easy repeal or modification of such as may be found not to answer the good intentions of the (British) legislature.]" *

The catholic clergy, on their part, strove to re-assure the government (regarding its inquietudes), and to keep the people in an obedient state. Thus did M. Plessis, parish-priest (*curé*) of Quebec express himself, in a funeral discourse, delivered in the cathedral of that city, in honour of M. Briand, the deceased bishop.

"Our conquerors, regarded (at first) with a jealous eye and lowering brow, inspired in us feelings only of detestation or aversion. We could not be persuaded (for the time) that a race of men strangers to our soil, to our language, to our laws, to our worship —could ever be willing to render to Canada an equivalent for what it lost by changing its masters. Generous nation! which has made us aware, by so many evidences, how ill-founded were our prepossessions; industrious nation! which has developed the earth's fecundity, and explored its hidden riches; exemplary nation! that, in critical times, taught the attentive world wherein consists that liberty which all men aspire to obtain, but so few know how to keep within proper bounds; pitying nation! which has just welcomed, with so much humanity, the most faithful yet worst-used subjects of that realm to which ourselves once belonged; † beneficent nation! which daily gives us, men of Canada, fresh proofs of its liberality:—no, no! your people are NOT enemies of our people; nor are ye despoilers of our property, which rather do your laws protect; nor are ye foes of our religion, to which ye pay all due respect. Pardon us, then, for that our first (and now past) distrustfulness of a foreign race, whose virtues, being as yet unexperienced by us, we had not the happiness to know; and if, after being apprised of the overthrow of the monarchy and the abolition of the only right worship (*le vrai culte*)

* The important and significant member closing the above sentence, as spoken by his lordship, is omitted from the citation in the author's text. —*B.*

† Alluding to the succour extended by the king, legislature, and people of Britain to the emigrant nobles, their families, and above all to fugitive members of the Gallic priesthood, pursued by the atheistic Terrorists, thirsting for their blood.—*B.*

in France, and after experiencing, for thirty-five years, the gentleness of your domination, there remain still among us some natures purblind enough, or of such an evil disposition, as to revive past antipathies, or to awaken in the popular mind disloyal wishes (*désirs criminels*) to revert to French supremacy,—let Britons be assured, that such beings are rare among us; and we beg that what may be true of the malcontent few, will not be imputed to the well-disposed many"...M. Briand's maxim ever was, that true Christians and sincere catholics are (and must be) all obedient subjects of their legitimate sovereign. He had learned, from Jesus Christ, that we must render to Cæsar what belongs (of right) to Cæsar; St. Paul had taught him, that every soul should be (voluntarily) submissive to established authority; that he who resists it is in opposition to God himself, and thereby merits damnation; he had learned, from the chiefest of the apostles, that the magistrate (*roi*) bears not the sword in vain; inculcating, that we are to accredit him by our obedience, as God's representative (*propter Deum*); and to honour him, not only in his own person, but in the persons of his lawful deputies (*sive ducibus tanquam ab eo missis*). "Such are, my fellow-Christians, the principles of our holy religion in that regard; principles which we cannot too often impress upon your minds, or over frequently bring under your view; for they form an integral part of evangelical morality, upon which our eternal salvation depends. And yet, sometimes, when we expound (for your benefit) the obligations you are under in those particulars, there are not wanting those who murmur at our words, making bitter complaints against us, accusing us of being actuated by political or selfish motives; such parties not forgetting, either, to insinuate that we are going beyond the proper limits of our ministering.—O my (erring) brothers, how great is this your injustice!"

The people of Britain could not have been addressed in terms more re-assuring than the foregoing. The preacher, oblivious of all things else (*oubliant le reste*), almost gave thanks to God for having snatched (as it were "a brand from the burning") the people of Canada from their dependence on an impious nation which had overturned His altars.

The recommendations of the governor and the clergy were so far seasonable, that plausible pretexts could be put forward to

justify them. Some inhabitants of Montreal, galled by the discourses and pretentions of the British; some other persons, out of sheer opposition, or to excite the apprehensions of men in place; indulged in (malcontent) observations which caused them to be led before the tribunals and heavily fined. In Quebec, similar things were done; while three inhabitants of Charlesbourg were accused of high-treason, and some others of seditious demonstrations; but the accusations against the parties proved so weak on inquiry, that the governor dropped, in 1795, the prosecution against them. He only wished (as it seemed) to awe the public mind, and put the people on their guard against the incitements of agitators.

In spring-time of that year, there was formed in the capital a grand (loyal) association against revolutionary propagandism, and in defence of the laws and government: soon others, of the like kind, sprang up in all parts of the country. This spirit manifested itself during several years. In every parliamentary session, the governor asked and obtained fresh powers for organising a submissive militia, for maintaining internal tranquillity, and for continuing the suspension of the habeas corpus act as against aliens. Perfect concord reigned between the different branches of the legislature. Several of the leading Canadians, such as M. Panet and M. de Bonne, received important charges. There was a universal self-felicitation at the political calm which prevailed in Canada.

In 1793, the king constituted a Protestant bishopric of Quebec; thus ignoring, but without attempting to supersede, the catholic prelacy of that name already existent. The ministry, at the same time, charged Lord Dorchester to induct the new prelate to a seat in the legislative council of the two Canadas. The governor wrote immediately to the Duke of Portland that such a nomination would excite dislike among the Canadians. The minister, in reply to this intimation, advised that the king should be applied to for authority to place the catholic bishop at the council-board also; which being assented to, Lord Dorchester brought forward M. Hubert: but the Duke of Portland changed his mind, and would not allow him to be nominated as a councillor.

In spiritual matters as in politics, the home government always

seemed to act from impulsions communicated to it. Sometimes it appeared to will that the Canadians should enjoy their religious and political rights, at other times it manifested a desire to subordinate the catholics to the protestants; and this latter disposition (ordinarily) characterises Britain's whole political and religious system in her colonies: a fact accounting for the oscillations caused by the obstacles which such a tendency meets with in realizing *anglification* and protestantism.

M. Hubert would not have long enjoyed a councillorship, as he died in 1797. His successor as bishop of Quebec was M. Denaut, who was a native of Montreal, and born in 1743. Nominated bishop of Canathe in Palestine and coadjutor of Quebec, by Pope Pius VI, in 1794, M. Denaut was consecrated at Montreal in 1795.

In the parliamentary session of 1795, which lasted four months, the governor placed before the (lower) chamber a statement of the revenue for the year, and particulars of part of the expenses of the civil government. To cover the surplus expenditure, the chamber passed two fiscal laws; one of which augmented the customs dues on foreign spirits, molasses, syrups, sugar, coffee, tobacco, and salt; the other continued the annual taxed licenses on hawkers and innkeepers. The increase thus made did not produce at first the returns which were estimated to be sufficient for balancing receipts and outlay. Most of the acts passed during this session maintained or prolonged pre-existing laws with modifications, for a limited time only; the assembly having already adopted a rule not to give permanency to its measures, thereby making the government less independent of the legislature.

An incidental question, pregnant with interest, occupied the attention of the chamber momentarily. The seignorial exactions and rate of rent for landholdings conceded, were very moderate under the olden system. After the Conquest, several British immigrants who had purchased seigniories from Canadian landholders when quitting the colony for France, raised those rates, and their example was followed by some of the Canadian seigneurs. Soon these abuses were carried to such a pitch, that the inhabitants complained; the "custom of the country," in rural estimation, being paramount to written law. The new landlords, who had been

long seeking an opportunity to simplify their seigniorial tenures in order to derive higher incomes from their lands, endeavoured to take advantage of temporary political inquietudes to bring about their design. They feigned alarm at the propagation of revolutionary doctrines in America, and appeared to fear that an abolition of feudal tenure would take place, without any indemnity, as in France. They accused the Canadians of being disposed to rebel; and interpreted their opposition to a highway act as being a political revolt,—the accusers imagining, that amidst the perplexity and fear such charges would create, they would succeed in engaging the assembly, by way of softening the redoubtable enmity of the seignorial malcontents, to modify what they called a "superannuated and oppressive tenure, which still existed in the country, despite the progress of the age." The parties had already come to an understanding with some American immigrants, to whom concessions of land (in common soccage) were to be made, as soon as the seignorial system were abolished: the incomers being preferred to Canadians, because they were willing to pay higher rents for the lands. This notable plan, however, was rendered abortive as soon as it was brought to light. The proposition, which tended to anything but a real and salutary reform of landholding, was introduced to the lower chamber by M. de Rocheblave, where it was discussed at several sittings; and at length it was abandoned, without any satisfaction either to those who supported or those who opposed it.

The suspended discussion on the highway act was then resumed. That measure, important more especially for the rural districts, was at first ill looked on, through the imprudence of certain persons, who cried out against the (alleged) burdensome taxes, and exclaimed, above all, against the imposition of statute labour (*corvées*), so detested by the people since Haldimand's time. It was popularly believed, that the new highway bill veiled an intent to return to the system of that decried governor; but, by degrees, the eyes of the country people were opened, and took a more just view of the subject; a calm followed, and the bill, after numerous emendations, took the form pretty nearly of the still existing law on that subject.

Another question, not less important, then agitated, was that

of the colonial currency. Coined money in Canada, at this time, was composed of every variety of pieces peculiar to all countries which traded with America. Part of the specie in circulation was much reduced in weight by wear, and subject to large deduction if offered in exchange at its nominal value. Hence resulted confusion and uncertainty, which at length became intolerable. Mr. Richardson, as a leading commercialist, took the first step on the road of monetary reform; and a bill was passed, by which a standard of value was set up, founded on the average intrinsic worth of the gold and silver coins of Portugal, Spain, France, and the United States; while British sterling specie was really, but not nominally, commuted into reduced Canadian currency. In all previous times, the currency of the colony was in a varying and vicious state, and it was ever difficult to clear up the public accounts. To the confusion prevailing in this matter was traceable many of the abuses, much of the error and malversation, of those who handled state moneys. Besides this reform in the currency, all the valid laws, ordinances, &c. relating to public imposts, were now incorporated into one act; thereby simplifying the duties of the fiscal officers, and diminishing the cost of collection. This law, which was to be in force for two years after being passed, was held over till it should be submitted for royal consideration. Through one of those anomalies of which we had numerous examples afterwards, the act remained so long in London before it received the king's assent, that when it reached Canada thus sanctioned, the two years during which it was to operate had entirely lapsed.*

The governor repassed to Europe during the summer. He organised, or left orders to organise, a Canadian regiment, of two

* This would be an amusing instance (were the subject not too grave a matter in itself) of "the way *not* to do it," at the colonial (*alias* "circumlocution") office, in grimy Downing Street, London. The British "know-nothing" (and *do* less) system, immemorially established there, still survives, and probably ever will to a great if now slightly diminished extent. Many more of the Canadian (real) grievances than is generally imagined were not born of unkind intent, but caused by frequent changes and transferences of cabinet ministers, with or through the official ineptitude, ignorance, and sluggishness of their subordinates.—*B.*

battalions—just as Du Calvet had suggested; but this corps was disbanded afterwards, perhaps for political reasons, the home authorities judging that it was not prudent to train the colonists to arms; and recollecting that the men of the States had found that a warlike apprenticeship, passed in hostilities against French Canada, inured them, when provincials, to service which eventuated in their triumph.

Lord Dorchester, before leaving, also convoked the electoral colleges for a general election of assembly-men. The enfranchised made a more careful selection this time; more than a moiety of the former sitting members were thrown out: some of them for having voted the proscription of the French language. General Prescott, who replaced Lord Dorchester, called the legislature together in the month of January ensuing. The election of a president of assembly, as at the outset in the first parliament, led to a distinct demarcation in partisanship: with this difference in the present case, that the avowed mouth-pieces (*organes*) of the executive overtly rallied under the governmental standard. The voting upon the occasion also revealed several defections from the country party, but in persons who had been suspected long before. Judge de Bonne, for instance, and M. de Lanaudière, passed into the antagonistic camp. The former was son of Captain De Bonne de Miselle, and descended from the illustrious ducal family Lesdiguières. The father was attracted to Canada by the Marquis de la Jonquière; the (degenerate) son, become a hostile partisan, moved that Mr. Young should be president; and when M. Panet was proposed for re-election, he voted against him: the latter, however, was borne to the chair by a great majority. As at his previous election, every British member was in the minority; the roll of which was swelled with four Canadian names, besides those of the native placemen: among the latter the solicitor-general, who never once, now, gave an independent vote.* Henceforth no one doubted of the (adverse) dispositions of the home government; which a treaty of amity and trading alliance, just concluded with the American Congress, had inspired with increased reliance on (the oppressive) strength it could call into play.†

* "....ne vota plus que comme un homme vendu."

† The above we take to be the real meaning, if not so expressed, of the

up with vermin, begging his bread on the streets of that city, wherein he erewhile was recognized for a legislator.

Meanwhile, the proceedings in assembly were of a very cautious character, for a spirit of revolt was supposed to inspire the members whenever they showed any signs of being independent. Although the seats of the war then raging were far distant, the governors of Canada always adverted to the imminence of danger, as if enemies were close to its frontiers, yea, rather in our midst. This formed part of (tory) governing policy at home and abroad, being intended to keep the people in fear of French republicanism. The mission of the Canadian legislature now appeared to be, simply to pass bills of supply, and acts to strengthen executive power. But an agitation began to manifest itself in the council, wherein unbroken harmony might have been most expected to reign.

The board (*bureau*) charged with the management of crown lands, composed of a select number of councillors, had participated in numerous abuses, and been guilty of shameful misappropriations (*prévarications*); judge Osgoode was its president. The members, under divers pretexts and in borrowed names, were found to have consigned for their own benefit, or in favour of connexions, large parcels of the public's territorial property. At all times, indeed, great abuses existed in that department of state; and members of the old legislative council had come to an understanding with the subalterns of the colonial-office in London, or others having access to the minister, in order to obtain for themselves large grants of land about lake St. Francis, on the postal line between Quebec and Halifax, and in other parts of Canada.* The (unpunished) abuses of early times multiplied in the next. Those who profited by them, made every effort, at the same time, to exclude Canadians from the occupation of such (filched) territory, under pretext that it was not right to extend their language, usages, or religion, in a direction newly opened up: motives for exclusion then considered sufficient indeed, being, if not overtly recognized, tacitly acted upon. Those lands had been divided into "townships," with British names to each,—a nomenclature seemingly indifferent in sound, but not really so in sense; for the names, general and

* MS. Correspondence of Councillor Finlay, &c.

dent districts, were ill disposed to Britain; that M. Adet, the French ambassador to the United States, had sent an address to the Canadians, in which they were informed that the French republicans, having vanquished Spain, Austria, and Italy, were about to attack the British empire also, and would begin with its colonies; that M. Adet's address invited the colonists to repair to the standard of invasion, and announced that France intended to raise troops in Canada.*

An enthusiastic American, named M'Lane, mistaking for well-founded the suspicions spread abroad as to Canadian loyalty, was allured to Quebec by a ship-carpenter called Black, who had gained public favour enough to get seated as an assembly-man in the preceding year. As soon as he got M'Lane within his power, he hastened to apprise the authorities, whom he had informed against him in advance. M'Lane, under an accusation of high treason, was tried and condemned to death. The choice of jurors, the testimony brought forward, the judgment passed, were all of an extraordinary character. He was executed, with a very great parade of military force, on the glacis of Quebec fortifications, in an elevated site, where what passed could be seen in all the surrounding country. The body of the culprit, after having swung for some time on the gibbet, was lowered to the platform; and the executioner, cutting off the head of the corpse, held it up by the hair, saying, "Behold the head of a traitor!" The body was then exenterated, the heart burnt, and incisions made in the members to indicate, rather than effect, a concluding piece of barbarity practised on traitors' remains called quartering. Never had the like spectacle been seen in Canada. The aim of all this savagery was to affect the popular mind with terror. The accusers and crown witnesses in this affair obtained large land-grants in reward of their denunciations or to pay for their attendance.† Black received "blood-money," but it did him no good, as every one who knew shunned him, as a traitor himself. Overcome by public contempt, and his mechanical capabilities failing him, he fell into extreme penury; and might be seen some years afterwards, eaten

* Minutes (*procès-verbal*) of the Executive Council.

† Gazette of Quebec.

its duty to recall the governor. Judge Osgoode also asked permission to resign his charge, and the king granted his request. Soon thereafter, he left Canada. The quarrel made no great sensation, because the public knew neither its subject nor motives. Besides, when the governor got into trouble with the chief functionaries, he sought not popular support. On the contrary, he turned a hostile front to the inhabitants; and whether through the unfavourable interpretation of his instructions, or for some other reason, he gave a bad reception to the catholics, when they solicited the erection of new parishes, wanted to keep pace with the increase of their establishments, which were forming, nearer and nearer, all round the closely inhabited parts of the country. Neither the demands of the clergy nor those of the people, nor even the applications of the assembly, prevailed with him to re-consider the refusal he had given on the subject,—a conduct unconformable to the ordinance of 1791. The catholics had nothing for it but to recur to the unsatisfactory substitute of mission stations, as in the earliest times of the colony.

Our people, therefore, learned with pleasure the recal of governor Prescott. Robert Shore Milnes, Esq., (shortly afterwards baroneted,) came to Quebec in 1799, as lieutenant-governor. On opening the legislative session, he thanked the Canadians for the testimonies they had given of their loyalty; and more especially for the moneys they had subscribed to defray the cost of the war against the French revolutionists, and in support of the well-being of all civilized nations.

The spirit of dissension, hitherto confined to the late governor and his council, was about to extend to the chambers. The assembly manifested, during the current session, less calmness and unanimity than in the preceding. The subject of the Jesuits, and a question of parliamentary privileges, arising out of the case of a deputy named Bouc, sentenced, for swindling, to an infamous punishment,* and whom the assembly expelled,—this exertion of

* The term used by the author, *flétrissure*, Englished as above, is surely stronger than the occasion called for. The Dictionary of the French Academy thus defines its incriminative and penal meaning:—"FLÉTRISSURE: Tache à la réputation, déshonneur, note d'infamie; la marque d'un fer chaud imprimé par ordre de justice."—Now Bouc hav

parliamentary privilege led to hot debates. Bouc having been re-elected twice afterwards, he was rendered ineligible by an express law passed in 1802.

The question about the disposal of the Jesuits' estates was of far greater import. Père Casot, the longest-lived member of that suppressed society, had just deceased.* His death furnished a new opportunity for reclaiming its property, so that it might be applied to its original educational uses. When a member, M. Planté, moved that such should be its future destination, Mr. Young, an executive councillor, announced he was charged to intimate that the governor had given the necessary orders to take possession of it in the name of the crown. The proposition of M. Planté was, however, carried (thus ignoring the governor's message) by a majority of 17 votes. Only one Canadian opposed it,—solicitor-general Foucher. The chamber demanded a copy of the title-deeds of the property. The governor replied that he

ing been "taken in and done for" (in a small way) by a tricksy *habitant* named Drouin, frightened the latter to make a money composition for committing what (he was assured by Bouc and others) would be treated in the English criminal courts as a capital offence. Finding out that the parties had misinformed him as to the penalty his cheatery would subject him to, "he pretended (says Mr. Christie) he had been wronged, and, being advised to seek redress, Bouc and his confederates were tried for a conspiracy, and convicted. Bouc was sentenced to three months' imprisonment, to pay a fine of £20, and to enter into bonds of good behaviour for three years, himself in £500, and two sureties in £200 each. The others were fined 6s. 8d. each, and imprisoned three weeks each." The whole matter, which was discreditable both to the accuser and accused, ought to have ended there. We do not think it likely that the British commons would expel a peccant member who had been so smartly dealt with as was Charles-Baptiste Bouc. We may add, that very certainly they would not have *persisted* in excluding such a one after re-election. We cite the case of John Wilkes, to justify this opinion.—*B.*

* "The government dealt most liberally with them (the surviving Jesuits); they were allowed to die out before it took possession of their estates, or interfered with them." CHRISTIE.—The lucky Father Casot (*alias* Cazeau), who was but a kind of college servitor rather than a priest, thus enjoyed a princely fortune in his latter years, just as if he had been the longest-lived contributor to a "tontine" association.—*B*

would furnish them (if insisted upon); adding, that he had acted upon royal instructions; but he first appealed to the sense of the chamber, whether it were consistent with its accustomed respect for the throne, to persist in its present course.

The protestant bishop solicited the governor to supply schoolmasters for the Canadian towns and considerable villages, to teach the children, gratuitously, the English tongue; along with writing and arithmetic, at a moderate price. The proposal was referred to the council, by which it was adopted; the governor also lending his aid. In a despatch, dated April 5, 1800, Sir Robert proposed that portions of the crown lands, and what remained of the Jesuits' estates, should be set apart to defray the cost of general education; adding, that such a measure would not only add to the popularity of the government, but be very advantageous in moral and political respects, through the use of the English tongue; a knowledge of which, he said, was still so rare in the colony, that hardly did one or two British assembly-men venture to speak it in the chamber, the others being well aware that if they did so, there was no chance of their being understood by the great majority of their hearers.

His Grace approved of the plan, and asked the executive council to have a return drawn up of the amount and value of lands or revenues still disposable, that they might be appropriated to the foundation of the schools for the purpose of spreading the use of the English language in Canada.

Supplement to Chapter I, Book XIII.

[As the author's account of the logomachy—in every sense of that word—got up in 1793, on the question of the parliamentary use of French and English speech, is rather loose, and differs considerably from Mr. Christie's report, which we take to be as authentic as it is clearly expressed, we here subjoin the following extract from the historical repertory of that exact compiler, which he calls a *History of Lower Canada*, on pages 132-4, vol. i.—*B.*]

"It may here be observed that the business of the house was carried on, and the motions put by the speaker in English and French (the latter being his native tongue), and that the journals were kept in both

languages. It was made a standing rule of the house, 'that no motion shall be debated or put unless the same be in writing and seconded: when a motion is seconded, it shall be read in English and French by the speaker before debate.' It was, a few days after the adoption of this rule, resolved to amend it, by adding after the word 'speaker,' the words 'if he is master of the two languages; if not, the speaker shall read, in either of the two languages most familiar to him, and the reading in the other language shall be by the clerk or his deputy at the table." "An immensity of discussion arose as to the language (English or French) in which bills should be introduced, and which was to be deemed the language of the law. It was moved, to resolve that the house shall keep its journal in two registers; in one of which the proceedings of the house and the motions shall be writen in the French language, with a translation of the motions originally made in the English language; and in the other shall be entered the proceedings of the house and the motions in the English language, with a translation of the motions originally made in the French language.

"To this, Mr. Richardson moved to add, in amendment, the following, words: 'but although the journal shall be thus kept in English and in French, and all bills that may be brought in, or laws that may be enacted, shall be translated from the one into the other language, at such stage of their progress as may be determined upon; yet in order to preserve that unity of legal language, indispensably necessary in the empire, and touching any alteration in which a subordinate legislature is not competent, the English shall be considered the legal text.' The proposed amendment was negatived (yeas 13, nays 26), and the original motion unanimously passed.

"In addition to this it was, a few days afterwards, resolved, 'That such bills as are presented, shall be put into both languages; that those in English be put into French, and those presented in French be put into English, by the clerk of the house or his assistants, according to the directions they may receive, before they be read the first time; and when so put, shall also be read each time in both languages. It is well understood that each member has a right to bring in any bill in his own language; but that after the same shall be translated, the text shall be considered to be that of the language of the law to which said bill hath reference.' Thus this matter, which at one moment threatened to disturb the equanimity of the house and kindle national animosities among the members, was compromised, and settled down in the resolutions cited, which, being made a rule of the house, was ever afterwards cheerfully observed, and worked to the satisfaction of all."

CHAPTER II.

ADMINISTRATION OF SIR JAMES CRAIG.

1801–1811.

Elections of 1800.—Royal Institution.—Principle of taxation.—First publication of *Le Canadien* newspaper in Quebec.—Affair of the *Chesapeake*, American ship-of-war.—Condition of Britain's relations with the United States.—First dissensions between the two countries.—Arrival of Sir James Craig in Canada.—Political proclamation.—Re-opening of the legislature.—Bill presented to prevent judges from sitting in assembly.—M. Bedard and other militia officers cashiered.—Responsible cabinet.—Parliament dissolved.—Craig's insulting address to the members.—Ideas of *Le Canadien* writers on the colonial constitution and ministerial responsibility.—Parliamentary supplies.—A Colonial agent in London.—The judges excluded from Assembly.—Sudden dissolution of the Canadian parliament.—Seizure of the printing-plant, &c. of *Le Canadien*, and incarceration of Messrs. Bedard, Taschereau, and Blanchet.—Proclamation of the governor.—Elections.—Craig recommends the British ministry either to abolish the (Lower Canadian) constitution, or to incorporate the two provinces in one.—He sends his secretary to London.—Reply of the minister.—Re-opening of the chambers.—Release of Messrs. Bedard, &c.—Spiritual affairs: interviews between the governor and M. Plessis regarding the catholic church establishment.—Governmental nomination of the parish clergy proposed.—Wind-up of Craig's administration.

The years 1800–1805 became a season of calm for Canada. The elections of 1800 returned as members of assembly ten government placemen (or a fifth of the entire number); namely, four executive councillors, three judges, and three other state officials. This fusion became a guarantee for the submission of all the rest of the representative body. Thus, no sooner was the legislature in session, than it hastened to renew the act for the security of established government, and enacted one to sanction the foundation of a "Royal Institution;" intended to promote, as a chief purpose, the *anglification* of the country by means of a general system of public instruction, through the medium of the English language. The law passed on the occasion placed institutional education at

the disposal of the executive. The governor nominated the directors and president, who were to regulate (subject to the governor's veto), the administration; it was he who had to designate the several parishes wherein schools were to be opened, and appoint the teachers. The executive council obtained the consent of the home government to endow with land-revenues the colleges proposed to be established, in view of obtaining more promptly thereby the full realization of the project. In 1803, the king assented to the endowment of two of the colleges; one for Quebec, the other for Montreal.

The protestant bishop, himself the originator (as we have seen) of the project, was called to preside over the new institution. This nomination paralyzed it (*l'étouffa*) at the outset, maugre the subsidies which were voted, during several years, for its maintenance. The Canadians, who inclined neither to renounce their language, nor their faith (*abjurer leurs autels*), unanimously shunned the class-rooms of the Institution; which itself, for a quarter-century, merely barred the way against the initiation of an educational system more in conformity with their wishes.

Despite the impulsion which the war, hotly raging between France and Britain, in 1801, gave to trade and especially to ship-building, (the latter then becoming an important branch of Canadian industry), there were several subjects, of colonial interest, which excited discussion among the ultras of the party. The usurped possession of the Jesuits' estates, the obstacles raised to land-granting, and the creation of new parishes by law, the selection of councillors yet more than ever hostile to the Canadians, systematic exclusion of the latter from public offices, a desire (among British partisans) to tax the land and consequently hurt agriculture,—all of these topics became subjects of debate; and, in measure of the amount of distrust or jealousy, the extent of hope and fear, which prevailed, was that public opinion affected, which began to take consistence, and was soon to manifest itself in the legislature and throughout the country.

Sir Robert Shore Milnes (as the governor was now titled) had himself no full reliance on the loyalty of the Canadians, and did not care to conceal his distrust: in especial, complaining to the Duke of Portland, secretary of state for the colonies, of the free-

dom of their *habitants* relative to the *seigneurs*, and emancipation of the catholic clergy from state control. He also earnestly advised, that the colonial militia should be disbanded; because it was not proper to arm and train the people of a conquered province, such as Canada. The Duke replied, in a despatch dated Jan. 6, 1801, that the small power the Canadian feudalry had over their tenants was a thing to be regretted; but, as the defect was due to the operation of special laws and local customs, the evil was probably remediless. As for the perfect independence of the catholic clergy complained of, his grace observed that he could not conceive wherefore the following article in the Royal Instructions had been practically ignored; namely, "No one shall be invested with holy orders, or be charged with a cure of souls, without the sanction (*permission*) of the governor." Adverting to the suggested disbanding of the militia, the Duke owned that the laws of 1794 and 1786 certainly were defective; but they might be so amended as to give the government more complete control over the militia corps.

While the executive was organizing a system of English scholastics, it was, concurrently, occupied with a project for erecting protestant parishes, in view of their ultimately superseding the catholic parishes.* The governor and the Duke of Portland were then in correspondence, and the attorney-general was charged to draw up a report, on this subject. Mr. Ryland recommended, in 1804, to allow no one to be inducted to a cure of souls (parochial charge) without a license from the governor; he advised that the Royal Instructions should be observed, so that regal supremacy should be maintained, and papal authority (in that matter) might be abolished. Now had such (a usurpation) been allowed, the country were protestantized! Finally, Mr. Ryland wished the government to take possession of the estates of the Seminary, and those of some other religious institutions; also intimating that the king

* To account for this shadowy grievance finding a place in the above enumeration of Canadian "wrongs," the reader will please to remember, that catholic churchmen deny the right of seculars to create a parochial jurisdiction at all: a *parochia*, *paroisse*, or parish, being (*ab origine*) a spiritual, and, above all, a *titheable* circumscription. "Hinc illæ lachrymæ!"—*B.*

ought to nominate a superintendent and deputy-superintendent of the Romish church. Such were the sentiments of one of the most influential men in place.* Ryland, who acted as private secretary for all the governors of Canada, from Lord Dorchester's time to that of Sir George Prevost, and afterwards was secretary to the executive council, and member of the legislative council, came at an early age to Quebec. He was, till his latest hour (*jusqu'à sa mort*) an implacable foe of the Canadians and (all) catholics.

At the expiry of the quadrennial term of the second parliament in 1804, there was little mutation of parties resulting from the election of that year; and when the session opened, only opportunity was wanting to resuming struggles begun in that preceding. The first vexed question, semingly of little import in itself, arose as to building jails in the province. The chamber laid a tax on merchandise to defray the cost of such constructions, despite the opposition of a minority of members; these chiefly merchants, who wished that real property should be taxed for the purpose. Those persons maintained that it would be detrimental to the colonial trade, if it were burdened with the (whole) cost of public works; and that a different principle ought to be adopted, if the revenues of the country were expected to be developed. It was replied, that whatever system of taxing should be adopted, the burden of it would (ultimately) fall on the consumer; and that to burden agriculture in a new country, wherein it ought to be the most favoured of employments, is detrimental, not only to the general well-being, but (finally) hurtful to commerce itself.

The parliamentary contention fairly begun, there was no lack of subjects for keeping it going; although a certain restraint was temporarily observed. A refusal to increase the salary of the French translator, deeply aggrieved (*blessa*) the assembly; which regarded it as an evidence of the ill-will of the authorities to the language of the Canadians; for the amount of money asked, was not

* "We have been mad enough to allow a company of French rascals to deprive us, for the moment, of accomplishing all this; but one prudent, decisive step might rectify the absurdity." Extract of a letter, dated Dec. 22, 1804, respecting the church establishment in Lower Canada, printed in CHRISTIE's *History of L. C.*, vol. vi.

considerable enough to put an end to the good understanding which still prevailed. The assembly was about to appoint a committee to consider the question, when the parliament was prorogued.

Sir R. S. Milnes left for Europe, leaving as his substitute the oldest executive councillor, Mr. Dunn, who appointed the next meeting of the chambers to take place early in 1806. The pique (*humeur*) which the assembly-men had manifested towards the close of the previous session, did not lessen during the recess. They determined to call severely to account the journalists who had censured the voting of the majority on the jail-tax (*impôt*), and ordered the publisher of the *Montreal Gazette* to be arrested. The publisher of the *Quebec Mercury*, a newspaper started the year before, tried to defend himself, but was fain to make an apology for his (imputed) offence, in order to avoid incarceration. The (alleged) breach of privilege in neither case deserved the chastisement they provoked; such an exercise of parliamentary potency was itself an infraction of popular rights, and even detrimental to the assembly's own independence,—both finding general support in the liberty of the press.

Meanwhile the mercantile party, conscious of the great influence it ever had at head-quarters in London, petitioned His Majesty to veto the jail act. Whereupon, the assembly at once adopted a motion, made by M. Bedard, praying the king to sanction it; transmitting, along with the petition, a memorial in justification of the measure. "The assembly considered," urged the memorialists, "that no parallel can be drawn between the long established realms of Europe and Canada, in regard of the propriety of taxing the land. In the mother country, and in others where agriculture has made most lands almost of equal value, a territorial impost presses equally on all; but in Canada, where tillage is most irregular and unequal, to assess by the acre would be inequitable indeed; for thus he whose ground may not be worth one penny (*six deniers*) an acre, would have to pay as much as those who may have in their domains land worth £3 (60 *livres*) an acre. A land-tax would therefore press heaviest of all on those beginning to clear ground, than on those possessed of ground already cleared; and thus new colonists would be loaded with most

of the proposed burden, while they ought, in reason, rather to be encouraged (at the beginning).

" A land-tax, on the other hand, based upon estimation of the liabilities of every holding, is plainly impracticable: the cost of valuation and tax-collecting would exceed the returns.

" Moreover, a land-tax would be unjust, because the inhabitants of towns, whose wealth consists in movables, would be exempted from its operation. The assembly considers generally, that an impost upon commerce, and particularly upon such objects as those that are taxed in the act, was the most just, the least felt, and its repartition the most equal; for it is the consumer who pays ultimately. Though it has been objected, that merchants labour under more disadvantageous circumstances in this country than elsewhere, because they cannot re-export their commodities to other markets, this circumstance, instead of being a disadvantage to them, works in their favour, for it gives them the power of regulating the commerce of the country, and making the consumer pay the duty; seeing that they have no other competitors than those who pay the same imposts."

In vain had the dissentient party, led by Mr. Richardson, tried to nullify the proposal by an amendment: it was sanctioned by a majority of more than two to one of assentients. Thus was confirmed, after prolonged debates, the decision adopted previously on the grand principle in question, of levying taxes: a principle which has, ever since, served as a basis for the financial system of this province. It was adopted in conformity with the interest of all new countries, the primary desideratum for which is, to transmute its forest lands into fertile and well-cultivated grounds.—The law was sanctioned by the governor.

The agitation of the subject, however, increased prevailing adverse feeling. Even the governor himself did not escape its malign influences. The contestation was tinged, like others, with national jealousy. The mercantile party, not able to contain its vexation at the check it had just received, raised its voice again against the alien origin of its adversaries, and tried to shift (*ramener*) the discussion to the ground of nationality. Thus did the *Quebec Mercury* deliver itself on the subject: " This province is far too French for a British colony..... Whether we be in a state of peace

or war, it is absolutely necessary that we exert all our efforts, by every avowable means, to oppose the increase (*accroissement*) of the French, and the augmentation of their influence..... After 47 years' possession, it is now fitting that the province become (truly) British." This cry, raised by the violent men of the party but disavowed by the moderate, was more particularly due to a rumour which got about, that the Canadians were about to establish a newspaper, to be printed in French, intended to proclaim their political rights, and reclaim in their favour all constitutional advantages.

Despite every opposition, *Le Canadien* (No. 1) appeared in November, 1806. In its prospectus, the aim and principles of its projectors were thus expounded:—"Long before the present time, many persons who love their country and (respect) its government have felt regret that the priceless privilege with which we are endowed by our constitution, LIBERTY OF THE PRESS, should have remained so long a dead letter..... The right which the British people possess (and exert), of freely expressing their sentiments on all the public acts of their government, is in truth the main-spring of their well-being..... It is the freedom of printed speech which makes the British constitution so fit for benefitting the populations coming under its protection. Every species of government ought to have the good of the people for its chief aim, and possibly each of them aspires, at least, to attain that end; but all have not the means for its realization. The despot knows not his people's likeness but from the portrait drawn of it by his courtiers; he sees only with their eyes, and hears through their ears alone. Under the constitution of Great Britain, its immediate subjects have the right of making themselves known to authority through the medium of a public press; and by the free expression of sentiment in its journals, the whole nation becomes, as it were, the confidential adviser of its executive.

"A despotic government, on the contrary, ever ill informed, is unceasingly liable to damage the interests and shock the feeling of the people, whom, in fact, it does not intimately know; and thus, without meaning it perhaps, does violences, and inflicts evils, the effect of which it may not perceive till too late for remedy:

hence it is, that absolute governments are those most subject to revolutions. Under the British constitution, nothing being done in secret, and no constraint preventing the subject from freely expressing his thoughts, in a country where the individual man, so to speak, thinks aloud,—it is impossible that the perils which dog the heels of absolutism can exist; and this it is which gives that wondrous stability to British institutions which have left them standing erect, while so many governments of Europe have been successively upset.

"The Canadians, as the newest subjects in the British empire, have the greatest interest of all in being properly represented. Yet they have lately seen themselves victimized by the dark insinuations contained in a journal here, printed in English, without possessing the proper means for replying to them. Our compatriots have all an interest in seeing prejudices against them dissipated; also in the effacing of those evil impressions of us which the disguised efforts of malignity may leave on the minds of the people of Britain, yea even in the mind of royalty itself. It has been imputed to us as a crime, that we adhere to the use of our mother tongue to express our sentiments and to reclaim our rights; but undeserved accusations appal not the innocent. A sincere avowal of proper feeling is not disloyal, in whatever language expressed."

The appearance of the new journal marks the era of the earliest vindication of Gallo-Canadian liberty of the press. Before its publication, no newspaper in the colony had ventured to discuss political questions, as was done by the press of Britain. The polemical department of *Le Canadien*, though at first entirely composed of anonymous communications, yet gave a great impulse to constitutional studies; and, in this regard, the title of the earliest French print that appeared in the colony, merits to be set at the head of our journalistic annals.*

* "The first number of *Le Canadien*, a newspaper entirely in French, issued in November of the present year in Quebec, from a small press procured for the purpose, by the contributions of several Canadian gentlemen, with the professed intention of vindicating the French-Canadian character, frequently aspersed, as they deemed it, by a press of the

The political relations of Britain with our neighbours of the States, began to draw the public attention to what was passing beyond the frontiers of the colony. The terrible wars in Europe, arising out of the French Revolution, excited a strong feeling, among the American republicans, in favour of France. The United States men had disapprovingly seen one of the freest of European nations form alliances with unmitigated despotisms, against that liberty which, with so much difficulty, had come into being and was spreading itself in the Old World; but the government of Washington exerted all its efforts to postpone, among the citizens of the republic, the expression of hostile sentiments which would have led to a war against Britain, and consequently a struggle on the high seas, for which the American marine was not yet in a proper state to engage. These restraining efforts of the executive, always a weak power in the States, had small success. For some time back, the relations between the two countries had lost much of that cordiality which the American cabinet was still trying to maintain, and which was about to disappear entirely along with Whig policy as that of the Union.

The French Revolution, and the wars in its train, eventuated in the destruction of the navies of all the continental nations, who found it impossible to hold their own on sea as on land. Britain, left sole mistress of the former, was willing to profit by all the resultant advantages. The United States, on the other hand, as a neutral nation, claimed to trade freely with all the belligerent parties. The British, making no account of this pretension of the Ameri-

other language, in Quebec, and to repel the constant assaults from it, of which they believed they had cause to complain; and to instruct their compatriots in their duties and rights as British subjects under the constitution; in themselves just and commendable purposes. But it far exceeded these, by constantly appealing to national prejudices,—subversive of the harmony which until then had prevailed between the two races; and with it commenced the reign of agitation and discord which afterwards unhappily distracted the province. It was, from the outset, anti-executive in politics, anti-commercial in its doctrines, and, indeed, anti-British in spirit; treating as anti-Canadian everything British in the colony, and the British immigrants and population as '*étrangers et intrus*,'—strangers and intruders."—ROBERT CHRISTIE: *History of Lower Canada*, I. 251-2.—*B.*

cans, in 1806 proclaimed the line of continental seaboard of Europe, from Brest to the Elbe, to be in a state of permanent blockade; in enforcing which they captured a great number of American vessels for breaking through it. Napoleon I, by way of reprisal, declared the British coasts themselves to be in a like state of blockade. The British government retorted, in the year following, by prohibiting all countries from trading with France. These extraordinary measures, violating as they did the laws of nations and the rights of neutrals, occasioned great irritation in the United States; and their merchants loudly demanded protection against them from their government. Concurrently, the British claimed, as part of their maritime code, the Right of Search; namely, the freedom to seek for, and seize when found, aboard foreign vessels, all those British sailors who had taken service therein. This (assumed) right was chiefly exercised in the case of American vessels, in which many British seamen were employed. A British ship-of-war, following up this quest, attacked the U. S. frigate *Chesapeake*, killed and wounded several of the crew, boarded her, and took by force four men said to be British deserters.* The United States government, in consequence, shut its ports against all British vessels in American waters, till satisfaction should be made for the above hostile act, and all future repetition of it were renounced. These doings were followed, on one part, by the famous "orders in council," prohibiting all commerce with the French or their allies; and, on the other, by the "Milan decree," promulgated by Napoleon I, which forbade trade of any kind, by any nation, with Britain or her colonies. The United States, in view of self-protection, laid an embargo on the shipping of all nations; but which was taken off during the following year, for the American traders found that they were the greatest sufferers by its operation; but commerce with France and Britain was in-

* The author chooses to ignore the fact, that the conduct of the captain of the *Leopard* (British man-of-war) was disavowed by his superiors, and such reparation as it was possible to make freely granted. The untoward incident took place, in June 1807, just outside the Capes of the Chesapeake. Of the four seamen seized, one, named Jenkins Ratford, a British deserter, was hanged. The other three (says Bancroft) were men of colour, and American citizens.—*B.*

terdicted, till the government of each should give satisfaction to the American sufferers through their obstructive polity. At the same time, the men of the States took measures for putting their country into a defensible state, and prepared for war.

Such were the transactions which supervened between the American republic and the kingdom of Great Britain in the years 1806-9 inclusive; and, forecasting a coming war, the attention of the former was already turning towards Canada.

The conduct of the British party in that province was fitted to increase rather than to lessen the hopefulness of the Americans. All that it could do it did, to irritate the French population.

The bishop of Quebec, M. Denaut, dying in 1806, M. Plessis, his coadjutor since 1797, and titular of Canatha in Palestine, was chosen (in virtue of a bull issued by Pius VII, so far back as A.D. 1800)* to succeed the deceased prelate. The colonial attorney-general and Mr. Ryland did their utmost to prevent Mr. Dunn, governor-substitute, from recognizing M. Plessis as bishop, and taking the oath of fealty to the king. Ryland wrote, that he "despised and hated the catholic religion, for it degraded and embruted human reason; and became the curse of every country wherein it existed." The obstructive attempts of the British party, in the present case, were bootless, however: Dunn recognized the new prelate, and received the required oath in full council,—to the great discontent of the protestants.†

Some time thereafter, the protestant bishop being in London, complained to the ministry that as the lately inducted catholic prelate took the title of Bishop of Quebec, he inclined to resign his own charge. Lord Castlereagh reminded him, that M. Plessis was no foreigner, that neither were the clergy of his diocese aliens; and that, in fine, both were entitled to enjoy all rights appertaining to them as catholics.

For some time, the rumour ran, that the Canadians only waited the mere appearance of the American flag among them, to rise in a body and join the American confederation. This notion, widely

* He was consecrated, in Quebec, Jan. 25, 1801.

† Letters of Ryland to the protestant bishop of Quebec, dated Jan. 26, 27, and Feb. 3, 1806.

spread, was first set afloat by their enemies, to excite the distrust of the metropolitan country; the resident British ever representing their fellow-colonists of French origin as so many rebels. The Americans, who wished to put an end to European domination in all parts of this continent, eagerly propagated the above report, through their numerous journals.

By way of contradicting it practically, Mr. Dunn caused a grand military demonstration to be made. In summer 1807, he called up a fifth part of the colonial militia, ordaining the force to be ready to march at the first signal. Concurrently, the bishop (M. Plessis) addressed a pastoral letter to all his flock. The balloting for men, and their training afterwards, were cheerfully and briskly carried on, to a degree which belied the insinuations thrown out against the loyalty of the Canadians.

The fortifications of Quebec were augmented and remounted under the supervision of Colonel Brock, then commandant of the garrison. But war was not to break out yet a while. The people of the States were not yet in a fit condition to encounter a nation paramount on the seas, and possessed of a land-force, superior for numbers and discipline, to that the republic could bring into the field. Diplomatists tried (or affected) to settle the difficulties between the two governments.

At this critical time, Sir James Craig arrived as new governor for Canada. He was a military officer of some repute; but as an administrator, too narrow-minded and whimsical. He delighted in military pomp; and usually addressed civilians as if they had been so many recruits liable to the quickening impulsion of a cat-o'-nine-tails (*soumises au martinet*). In his "general order" of Nov. 23, after expressing his satisfaction at the zeal manifested by the militia for defence of the country, he added, that he had seen with uneasiness acts of great insubordination committed in the parish of Assomption; and exhorted every one to be on his guard against treasonable artifices, and the discourses of emissaries prowling everywhere to seduce the people. "Those discourses," he owned, "had little effect among a fortunate people (such as the Canadians were), who experienced, every day of their lives, the protection and beneficence of their government; nevertheless, to prevent effectually the ill effects which result (from evil inspira-

tion, especially among the young and ignorant), I enjoin all the militiamen to watch attentively the presence of aliens who come amongst them; and whenever their conduct or words appear suspectible, they are to be taken before a magistrate or some militia officer, to be dealt with accordingly."

This general order dwelt so very particularly on American intriguers and on plainly anticipated war defections, that the colonists must have thought the country had a volcano under it, ready for eruption. But there was really nothing impending which could authorize the special solemnity of an appeal to the loyal feeling of the people of Canada at this time. The troubles signalized by the governor had no political colour, and were due either to causes we have already pointed out, or to local disputes, which officious agents of the executive represented as being very grave, in order to exalt their own credit for reporting or repressing them. Never, in fact, were the Canadians more attached to the government before that time or since; but Sir James Craig, having thrown himself headlong, at the outset, into the arms of their most ardent foes, he continued to misapprehend all things, presented to him as they were through a partisan medium. He never doubted that the Gallo-Canadians, their leaders more especially, were hostile to British suzerainty (*à leurs maîtres*); that they merely dissembled their disloyalty; and that they were to be distrusted in all things. He chose Ryland for his secretary; who fell in love (political) with his master at first sight; writing exultingly to the protestant bishop, even before the new governor had taken the oaths,* "Craig is just the man for this country!"

In opening parliament, January 29, 1808, Craig adverted to the wars in Europe, and French ambition. He said, "It would have been highly gratifying to me, if upon this occasion I could be the bearer of any well-grounded annunciation of the restoration of that peace, which, as the surest foundation of the welfare and happiness of his people, is the constant object of his Majesty's endeavours; but while an implacable enemy is exerting every resource of a power, hitherto unexampled in the world, and which is controlled by no principle of justice or humanity in attempting our ruin,—while that enemy, under the irritation of a disappointed

* This formality took place Oct. 24, 1807.

ambition, which, boundless in its extent, aims at no less than the subjugation of the world, regards with a malignant inveteracy, which he does not attempt to conceal, the only nation now in Europe, which, by the wisdom of its government, the resources of its wealth, and the energy, virtue, and public spirit of its people, has been able to resist him,—it must be with cautious diffidence, and a reliance only on the blessings of Divine Providence, that we can look forward to the wished-for cessation of the inconveniences of war."

He spoke, afterwards, of what it more concerned the Canadians to know. Making allusion to the relation between Britain and the United States, he said that he had nothing to impart which threw any light upon matters then in debate between the two powers; but expressed a hope that the wisdom embodied in the cabinets of London and Washington would find means to avoid the calamities likely to be attendant on a war between two nations of kindred origin, usages, and language. He added, however, that means for meeting adverse eventualities were not to be neglected; and he had the firmest confidence that the co-operation of the people in that respect would not be wanting; while the loyalty and zeal of the militia met his own warmest approbation. All appearances gave promise that, if the colony *were* attacked, it would be defended in such a manner as was to be expected of a brave race, who fight for all that is dear to it.

This language regarding the spirit of the militia was at once more politic and truthful than that in Craig's "general order."—The reply of the assembly was of a character which ought to have persuaded Britons that they might reckon on the fidelity of the Canadians, despite the prejudices and fears which late repeated appeals to it betrayed.

The double question of the propriety of excluding judges and Jews from the assembly, in imitation of British parliamentary practice, filled up much of the session. The Jews were excluded by a resolution. As for the judges, M. Bourdages presented a bill which the chamber adopted, by a vote of 22 against 2; but the council, to the great discontent of the public, rejected the measure. The latter body, afterwards, secretly rejoiced that a

hostile feeling arose between the governor and the assembly, towards the close of the session.

For some time back, this alien feeling became more apparent on the discussion of each new subject; and the coterie (*entourage*) of the governor, aided by functionaries now aware of their chief's character, set about exciting his passions with all that freedom which his peculiar tastes permitted them to use. They applied themselves to detect, in every strain of speech, and in every occurrence, evidences of Canadian plotting. By this means, they took firm hold upon the irritable nature of Craig. The functionaries well knew they could not hope to change the representative system as established by law; but, to destroy its influence beforehand, they used their accustomed weapon, calumny. Craig's hostility they directed especially on the president of the assembly, M. Panet. They hated him none the less for being reputed as a shareholder in *Le Canadien* newspaper. They got his name erased from the roll of militia officers, along with those of Messrs. Bedard, Taschereau, Blanchet, and Borgia.*

Nearly at this time, Judge Allcock died; a personage detested

* "M. Panet and some other gentlemen were, shortly after this, dismissed from their militia commissions. The following letter, addressed to each of them, on the occasion, is explanatory:—'Castle of St. Lewis, Quebec, 14th June, 1808. Sir,—I am directed, by his Excellency the Governor-in-chief, to acquaint you, that he thinks it necessary for His Majesty's service, to dismiss you from your situation as —— of the town militia. His Excellency bids me add, that he is induced to adopt this measure, because he can place no confidence in the services of a person whom he has good ground for considering as one of the proprietors of a seditious and libellous publication, that is disseminated through the province with great industry; and which is expressly calculated to vilify his Majesty's government, and to create a spirit of dissatisfaction and discontent among his subjects, as well as of disunion and animosity between the two parts of which they are composed.

I am, &c.,

H. W. RYLAND.'

"The gentlemen to whom the above letter was addressed, according to the *Canadien*, were Messrs. T. A. Panet, lieut.-colonel; P. Bedard, captain; T. T. Taschereau, captain and aide-major; T. L. Borgia, Lieutenant; and F. Blanchet, surgeon." H. CHRISTIE: *History of the late Province of Lower Canada*, vol. i, pp. 275–6, *note*.

by Ryland, and probably by all the men of his (the British) party. The government nominated attorney-general Sewell as his successor, replacing the latter by a young barrister, Mr. Bowen; thus giving the "go-by" to solicitor-general Stuart: who lost the governor's good graces, first, and saw his own functions next pass into the hands of a barrister then new to the colony, Mr. Uniacke. These strange promotions and displacings were prelusive of troubles. Ryland, who was already the faithful mouth-piece of the governor, wrote in 1808, that the assembly would soon become "a focus of sedition, and an asylum for all the demagogic turbulence of the province. To remedy the evil, much wisdom was needful, united to a preponderating British influence in the two councils."

When casting his eyes towards the legislative council, which the governor wished to pit against the assembly, he perceived that it was composed of twelve members only, though the constitutive law ordained that there should be fifteen. He hastened to write to Lord Castlereagh, praying that he would complete the number, and thereby strengthen the ruling staff.

To the astonishment of all, however, the governor ratified the re-election of M. Panet as president of the assembly, when parliament met in April, 1809, after the general election in 1808, by which the complexion of the chamber was no ways changed. In his opening address, he spoke of the relations then existing between Britain and the States, and of the political intestine struggles. He said that what was known of the disposition of the American government gave small hope of its adopting a peaceful policy; and that it was needful to be vigilant, and follow up the precautionary measures already judged necessary. He hoped that the chambers would renew the laws passed with those intents during the late session.

In speaking afterwards of interior polity, he said that the members, who came from all parts of the colony, must have perceived how prosperous a people were, from being subject to no other laws than those passed by their own representatives. He added, that if the harmony which prevailed between the different races composing the population were impaired, the discord ensuing would be the evil fruit of unjust suspicions, and ill-founded jealousies,

on one or both sides, and of baseless conjectures formed as to the polity and intentions of the government.

M. de Bourdages moved, that the assembly, in its reply to the address, should express clearly the members' opinions on the pernicious influences which perverted (*circonvenaient*) the executive. In the debates which followed, the Canadian leaders, while they let the full extent of their dissentiment be seen, did not insist upon shaping it into overt oppositions. It was observed that M. Bourdages, in the reasons of his motion, allowed that alien influences led him to act wrongly. Now this might very well be predicated of executive acts in Britain, where a cabinet of responsible ministers existed; but in the colony, where ministerial accountability there was none, the administration could not be openly censured. All the members agreed that there were no grounds for directing at the chamber insinuations of there being jealous feeling in them against government; the governor's discourse contained no pointed reflection, and the chamber might be content to reply to any insinuations indirectly.

It was replied that, on the contrary, in the actual posture of affairs, the governor's address gave rise to serious reflections, for it tended to originate an undue influence on the votes of the two chambers. The genuine sentiments and real acts of both could be known only by their votes. If the passage of the address in question was not intended to influence the suffrages of the members, then was it quite meaningless. The word "government" therein employed, might have an imposing sound in the ears of new members, perhaps; but not in the apprehension of those to whom our constitution had become familiar. When government acts executively, every one must needs yield obedience; every act contrary to such obedience, is that of a bad subject. But when the government exercises legislative power, it is then only one of three branches of the legislature, and the two others are independent of it. Far from considering as illegal the opposition of one of these two branches to the executive, their bounden duty it is to object freely whenever they judge it needful to do so. As for expression of suspicions regarding the government, they cannot apply to any one of the three powers, since themselves, collectively, form the government.

M. Bedard, in discussing the question, founded his argument upon first principles; and while debating upon ministerial responsibility showed that the element of accountableness was essential to a constitution. "The first duty of our chamber, this third branch of the legislature," he urged, "is to maintain its own independence, even against the attempts of the executive to abridge it. By accepting the assurances of those who give out, that 'there is *no* ministry in Canada, the chamber either abandons that first duty, and renounces the maintenance of its own (substantive) existence; or else (overleaping all intermediate responsibility) has to point its accusations directly against the king's chief officer among us, which would be a constitutional monstrosity, because we ought to recognise in the governor of Canada the sacred personification of Majesty, and act in conformity to the maxim of regal immunity from all blame." It appeared, therefore, that the desire for possessing a ministry was not a vain aspiration, as some mistakenly supposed, but the expression of a perception that the colonial constitution lacked one of its essential parts. M. Bedard took occasion to observe, that, independently of all constitutional maxims, the governor, who had been in the country but a short time, could learn the disposition of its inhabitants only through information given him by others; that although there was no regularly constituted or openly recognised ministry, yet a kind of cabinet there certainly was, for surely the governor regularly resorted for advice to a select number of functionaries set apart for that very purpose; that when occasion called for it, the chamber would find no difficulty in ascertaining who those parties were; finally, that virtual ministries always like to counsel in the dark, and that the counsellings even of ministers in Britain had not always been made patent to the public view as they now were."

In the remarkable speech, of which the above reasonings formed a part, the orator expounded the nature of a really constitutional system, such as that actually accorded to Canada forty years later; but, at the time of its utterance, he was regarded as the apostle of revolutionary doctrines, and accused of propagating evil ideas, which it was indispensable to repress, if open seditions were to be avoided.

Judge de Bonne, the mouth-piece of the executive (*l'organe du*

château) controverted the opinions of M. Bedard; saying, "that to admit them as political verities, would degrade royal authority, and even bring the person of the sovereign into popular contempt. Surely this is not a fit time," he added, "for agitating such questions as that now under discussion, when the attitude of the Americans is so menacing to us! Signs of dissentiment, on points so vital as those we have just heard mooted, are matters of perilous import during the present crisis; for they are apt to cause us to be taken for a divided, and not what we substantially are, a united people. Let us have a care lest we manifest, inopportunely, a jealousy of all other branches of the legislature; for we should, by indulging in such distrustfulness, justify all the apprehensions expressed in the governor's address, regarding alien sowers of sedition, yea give rise to an imputation that our own regard for established authority is not unimpeachable." The judge herein but expressed sentiments which he inwardly felt the truth of. Himself the scion of a noble and ancient family, he had inherited and cherished the traditional opinions bequeathed to him: thus he looked upon absolute royal authority as a right properly unassailable by popular representatives; and the modifying influences of an elective assembly on the executive as a thing of very doubtful desirability.

The discussion of the question, as viewed from a new standpoint by M. Bedard, certainly made a sensation; but his proposal of constituting distinct ministerial responsibility appeared (to the greater number) too hardy to be then taken into formal consideration; and, as time went on, the chamber seemingly became oblivious of that great constitutional principle. Not to mention that the majority willed not to begin the session with a wrangle, previously to giving a form of expression to sentiments usually emitted in reply to an inauguratory discourse by the governor. The assembly, therefore, rejected the motion of M. Bourdages, also the paragraph which M. Bedard wanted to embody in the reply to the house, expressing its regret that the governor had thought it his duty to recal to the attention of the members the circumstance of a mixed nationality, or to intimate that there was or could be any suspicions or jealousies among them of the government; that, nevertheless, the assembly-men were willing to believe, that so right-

minded and so generous-hearted a man as he, was not capable, had he been left to himself, of such ungracious conduct; but that it must have been entirely due to his misplaced confidence in persons whose evil animus he was not aware of; parties who at no time time counselled what was good either for the state or the people, the care for whose well-being had been confided to his Excellency.

The allusion made, indirectly, by the governor, to angry discussions (*difficultés*) in preceding sessions, did not prevent the chamber from reverting to the question of unseating the judges, and following the practice of the British legislature in that regard. Those members whose opinions were the most decided, wished to exclude them by a simple resolution, as it appeared that such had been the mode employed for *purging* the British parliament; but a great majority of the members of assembly always hoped to obtain the consent of the two other branches of the legislature to the intended expurgation.

The governor, who had very different ideas of colonial representation from those of the chamber, came to the conclusion, at the outset, that no accordance was possible between him and its members in this regard, and persisted steadily to oppose what was wanted; so that matters came to this pass,—either he must give way, or else a dissolution of the parliament would result. The latter issue, his character being taken into account, was all but certain; as he was already, on his castled height, chafing at the audacity of the assembly-men! Taking advantage of the expulsion of Mr. Hart* for the second time, he resolved to prorogue the chamber after a session of 36 days, previously to dissolving the parliament. Repairing to the hall of the legislative council, with a numerous suite, he demanded the attendance of the people's representatives. The preliminaries were so arranged, on this occasion, that the members had no knowledge of what was about to ensue, till the arrival of the grenadiers of the guard before their door.

Addressing the assembly-men present, the governor said: "Gen-

* Mr. Ezekiel Hart was a merchant in Three-Rivers, a highly respectable man, but of English birth and a Jew; and being such, eminently obnoxious, if only for his double "nationalité."—*B.*

tlemen, when I met you at the commencement of the present session, I had no reason to doubt your moderation or your prudence, and I therefore willingly relied upon both. Under the guidance of these principles I expected from you a manly sacrifice of all personal animosities, and individual dissatisfaction,—a watchful solicitude for the concerns of your country, and a steady perseveance in the executing of your public duty, with zeal and dispatch. I looked for earnest endeavours to promote the general harmony of the province, and a careful abstinence from whatsoever might have a tendency to disturb it; for due, and, therefore, indispensable attention to the other branches of the legislature, and for prompt and cheerful co-operation and assistance in whatever might conduce to the happiness and welfare of the colony: all this I had a right to expect, because such was your constitutional duty; because such a conduct would have been a lasting testimony, as it was the only one sought for by his Majesty's government, of that loyalty and affection which you have so warmly professed, and which I believe you to possess; and because it was particularly called for by the political juncture of the times, and especially by the precarious situation in which we then stood with respect to the American States: now I am sorry to add, that I have been disappointed in all these expectations, and in every hope on which I relied.

"You have wasted," continued he, "in fruitless debates, excited by private and personal animosity, or by frivolous contests upon trivial matters of form, that time and those talents, to which, within your walls, the public have an exclusive title. This abuse of your functions you have preferred to the high and important duties which you owe to your sovereign and to your constituents: and you have, thereby, been forced to neglect the consideration of matters of moment and necessity which were before you; while you have, at the same time, virtually prevented the introduction of such others as may have been in contemplation. If any proof of this misuse of your time were necessary, I have just presented it, in having been called on, after a session of five weeks, to exercise his Majesty's prerogative of assent to only the same number of bills, three of which were the mere renewal of acts to which you stood pledged, and which required no discussion. So much of intem-

perate heat has been manifested in all your proceedings, and you have shewn such a prolonged and disrespectful attention to matters submitted to your consideration, by the other branches of the legislature, that whatever might be the moderation and forbearance exercised on their parts, a general good understanding is scarcely to be looked for without a new assembly."

After other reproachful observations, he expressed his entire confidence in the discretion of the electors; adding his persuasion that they would very surely amend the call they had made on improper parties to serve, which would prevent further troubles and greatly advance public interests. He assured the assembly-men that the task he had undertaken, in the present case, gave him extreme pain to perform.—Then, turning towards the legislative councillors, he expressed his great satisfaction and lively gratitude to *them;* which, he said, they had well merited by the unanimity, zeal, and attention they always manifested. "If little good has resulted to the public from late sessional labours, the fault does not lie at your door, at any rate," he added. Then resuming his address to the assembly-men, he thus wound up: "To a considerable portion of the house of assembly, my thanks are equally due. I trust they will believe, that I do them the justice of a proper discrimination, in the sense I entertain of their efforts, to avert that conduct of which I have so much reason to complain. By this, gentlemen, you have truly manifested your affection to his Majesty's government, and your just estimation of the real and permanent interests of the province." *

Besides using a style of language insulting to a chamber of deputies, the while pretending to invoke constitutional principles, the governor here committed the yet more grave fault of manifesting his partisanship, by singling out one portion of the chamber for complimenting, in contrast to the other. The enemies of the Canadians, none the less, loudly and joyously applauded the conduct of Craig; to whom were presented felicitating addresses, at Trois-Rivières, Montreal, and St. John's, when he made a progress through the country during the summer; the addressers promising to render him their support in keeping the government, as

* We cannot doubt, to use the words of the ever-judicious Christie, that "this unique speech surprised the members."—*B.*

then constituted, intact; and in maintaining the paramountcy, in his person, of executive power. Meantime a writer in the *Quebec Mercury*, (semi-official journal), March 19, 1810, thus expressed himself upon the occasion: "The conduct of a conquered people, lifted (by their victors) from the depths of misery to the height of prosperity, and to whom has been extended every species of indulgence, is not such as might have been expected at their hands.

"Having regard to the words of conciliation uttered by the king's representative at the opening of the latest parliamentary session, we can see in the manner he has been recompensed in them, no quality but that of the most inveterate ingratitude. There are, however, some people in this world, whose nature is to return insolencies in return for benefits."

Without resenting such contumeliousness, the writers of *Le Canadien*, to justify the opinion of the chamber as to the independence of the judges, copiously cited the works of Rapin,* Blackstone, Locke, and other British publicists, in proof of the powers of the representative session of the government, relatively to the other two branches. "The king's representative," thus wrote the editor of that journal, "has power (by law) to dissolve the chamber when he thinks fit to do so, but he has no right whatever to make abusive remarks (*réflexions injurieuses*) such as his harangue contained, upon the action of the legislature; a body which is absolutely independent of his authority. The respect due to this branch is as sacred and as inviolable as that due to his Excellency himself: and those reflections became him all the less, that upon the governor is the duty specially imposed of paying due respect to that branch of the legislature, as well as to all other parts of the government." † All constitutional questions were treated in the same journal, according to the most accredited British principles.‡

* M. Rapin de Thoyras can scarcely be called "un publiciste anglais," though he was the author of a *solid* and impartial *Histoire de l'Angleterre*, Englished in his own day; and which became the (too little acknowledged) foundation of most of the succeeding histories of Great Britain.—*B.*

† Not good in law, logically bad, and poor in expression, are the political dogmata comprised in the sentence cited above for approval.—*B.*

‡ This we deny, if such rigmarole were a fair sample of its usual party polemics.—*B.*

In order to shelter the personality of the governor, as much as possible, from its own attacks, the *Canadien* feigned a belief, like M. Bedard, in the figment of an existent responsible administration; to the (shadowy) members in which it attributed the concoction of the last "discourse from the throne." Well knowing, besides, the artfulness of this party [?], to which it was a far more easy matter, than to the Canadians, to obtain the attention of the home authorities, the writers for *Le Canadien* dwelt much and long (*avec soin*) upon the particular motives the Canadians had for persisting in their sentiments of attachment to Britain, as upon her the surety of their own distinctive nationalities depended.* Thus lustily did *Le Canadien*, at one time vaunt, the advantages of British government: "It is, perhaps, the only one wherein the interests and rights of the different sections of society are so well cared for, so sagely balanced; and though all are firmly bound together by it, yet each has a species of substantive existence independent of the rest, while the whole derives a collective strength from the struggling powers confided to the several parts." The day before the journal was violently stopped, it thus expressed itself: "If any one disapproves of an act of the governor, it ought to be done respectfully, and only with such freedom as the British constitution allows."

The new elections did not make the political complexion of the chamber more courtly. In no part (of the British empire) was parliamentary suffrage more independent or more pure than in Canada; where, in fact, most of the electors were landholders, and bound in no way to give any but free votes. Members who had manifested indecision or weakness, were now replaced by men of tried firmness. The opposition representatives of the people, new and old, took their places in the legislature imbued with the ideas and convictions of those in the former assembly; and with

* Being rather doubtful of the exact import of the author's concluding words in the close of the involved sentence we have Englished as above, we append them as they stand in his text (vol. iii, p. 125): ".... pour persister dans leurs sentiments d'attachement à l'Angleterre, à qu'il [c.-à-d. *Le Canadien*] rattachait à leur conservation nationale." The only possible nominative we could find in the previous words, for the pos. pr. *leur*, is "les Canadiens."—*B.*

a determination, more confirmed than ever, to defend what had been and what was yet to be done.

Meanwhile the British ministry made it a duty to repair somewhat the evil caused by the over-action (*vivacité*) of its chief agent. Instructions were sent to Sir James regarding the ineligibility of the judges to sit in assembly; and directing him to sanction the law passed by the two chambers for excluding them: thus settling a vexed question, so long pending.

The parliament assembled late in January 1810. The diplomatic state relations between Great Britain and the United States were still in an unsettled state. The governor declared, in his opening discourse, that if hostilities supervened, a sufficient force of regulars would be sent over, by means of which, with the aid of the colonial militia, the province would be rendered secure. With respect to the judges, he announced that their exclusion from the representative chamber was assented to. The home authorities, in truth, disapproved of the *personal* obstructiveness, so to speak, of the governor; so far, so good: but the assembly determined to prevent, in advance, a repetition, from his or any other lips, of the censures he had bestowed on the former assembly, at its dissolution. Its earliest action therefore, was to declare, by a great majority, that all expression of blame, on the part of the governor, or of the legislative council, whether to censure the chamber's acts, to approve or disapprove what was done or left undone by one or other of the parties into which the assembly was divided, was a violation of parliamentary privilege, and involved a breach of Canadian liberties. After this formal protest against the strictures, past or future, of the chief, they took in hand to deal with the subalterns of the government. For some time back, the chambers aimed at bringing the public functionaries within its influence. These persons looked upon themselves as being independent of, or rather superior to, the members of assembly; and successive governors, destitute as they mostly were of political experience, allowed placemen's offensive remarks against the people's representatives to obtain currency, which rebounded occasionally on the executive council itself. This evil, which has endured even till our own day, and which was so much the greater as it was caused by antipathy between races, has powerfully contributed to

shape political eventualities. The assembly thought that the most efficacious means to engage the public servitors to respect one of the sources of their own potency, was to subject them to parliamentary control by means of their salaries, in accordance with British practice. With this end in view, the chamber declared, that the colony was quite capable of paying all the cost of its civil government; and an intimation was addressed to the imperial parliament, that Canada was ready to be charged with the whole of such expenditure in future; returning thanks, at the same time, to the British legislature, for defraying a part of it so long.

The functionaries trembled at the prospect of coming under the control of a body whose members they had so often insulted. They made a great stir to avert such a measure as was thus proposed, and communicated the spirit of opposition (*leur zéle*) to their friends, who, in turn, did their utmost to gain over the governor to conjoin. The latter, surprised at the movement made by the assembly, by which, he thought, a snare was laid for himself, could not disguise the embarrassment it occasioned him. He replied, that the proposal made by the chamber, as aforesaid, appeared to him to be so novel, that he must have time allowed him, to reflect upon it; remarking, that according to British parliamentary usages, applications for supplies were always made first by the government, and granted or refused by the commons; adding, that there was no precedent, so far as he knew, of one branch only of a colonial legislature, addressing a request to a single branch of the imperial legislature. For these (and other) reasons, he was of opinion that the address as proposed, was not only unexampled, but informal also, being founded upon a mere resolution, which was of none effect by itself until approved by the legislative council: the sum of all was, that as he could not forward such a proposal to the ministry, he was still willing to transmit it for the consideration of his Majesty, "in testimony of the gratitude and generous dispositions of the Lower Canadians, who willed to make known their capability of defraying the cost of their own government."

The tenor of the governor's reply, which was very long-winded, and mixed with praises and reproaches, plainly testified that the subject perplexed him. But the unexpected offer made by the

chamber could not fail of being well received in Britain; and, at the same time, it put to the rout all the evil forecastings of the colonial oligarchy.

The chamber next demanded that a budget should be presented to it of all the estimated expenditure for the succeeding year; and, adopting a motion made by M. Bedard, nominated a committee of seven members, to make an inquest as to the parliamentary usages adverted to in the governor's reply to the late address of assembly.

These measures denoted an intent to show that the rights (*les droits*) and conjectures of the executive council had no foundation. They might have been (rightly considered) frivolous, under other circumstances; but the assembly's enemies alone had at that time the confidence of the metropolitan government; and, in the sequel, entire influence over the governors: who considered the latter ever more trustworthy than our deputies, all unknown personally as these were: the former being the veriest aliens, in the eyes of the functionaries of the colonial-office.

The chamber now willed to move another stage in political progression. For a long time, serious inconveniences had arisen from the ignorance Britain and Canada were in, regarding each other. The British knew nothing of the Canadians, except through one-sided representations, constantly tinctured by calumny; the Canadians had no experience, hitherto, of the British character, except from phases of it turned upon them by fortune-hunting adventurers in their midst; and who, ever clutching at the most lucrative state employments, conducted themselves in a way to create public disgust. It was highly desirable, therefore, to establish an intercommunicating agency between the king's immediate subjects and the Gallo-Canadians under his rule, and make them favourably acquainted with each other. The nomination of a colonial agent, resident in London, appeared to the assembly to be the readiest way of attaining the good end in view; and a bill was preparing to effect it, when a cross incident suddenly arose, which led to an immediate prorogation of the session. This was caused by a conflict of jurisdiction between the two houses in regard of the exclusion of Judge de Bonne, by act of assembly. The legislative

council choosing to amend the said act, resistance was made to such interference by three-fourths of the representatives. The governor took part against them; and he, hastening to the council-hall, called the people's representatives before him, and addressed them in the following terms: "I have came hither to prorogue this parliament, after due deliberation on what has occurred; namely, the members of assembly having taken upon themselves, without the participation of other branches of the legislature, to pass a vote, that a judge of his Majesty's court of King's Bench cannot sit nor vote in their house. It is impossible for me to consider what has been done in any other light, than as a direct violation of an act of the imperial parliament,—of that parliament which conferred on you the constitution to which you profess to owe your present prosperity; nor can I do otherwise than consider the house of assembly as having unconstitutionally disfranchised a large portion of his Majesty's subjects, and rendered ineligible, by an authority which they do not possess, another not inconsiderable class of the community. Such an assumption I should, at any rate, feel myself bound by every tie of duty to oppose..... and I see no other course, than prorogation, for getting out of our embarrassing position."

Craig's partisans forthwith sent him renewed addresses of congratulation on the vigour of his polity, with added assurances of their confidence in him; to which he replied, that he hoped ever to merit the support of those who were capable of appreciating the benefits they derived from the constitution; and who rightly estimated his own determination, which was to allow of no infraction whatever of its conditions.

The governor (it was plain) had resolved to employ every means at his disposal to conquer the opposition to his government in the chamber; one of his devices, for that end, being to neutralize the influence of the country party: another was, to overawe the electors, and frighten them into returning members of a character more conformable to administrative conveniences. As a preliminary, he struck an indirect blow at the more forward assemblymen through the side of their organ, *Le Canadien;* intending to follow it up by personal coercion.

The executive council held a conclave, and made a close exami-

nation of a file of *Le Canadien* newspaper, in search of material of an incriminating nature. Certain passages having been culled out of various numbers of the journal, and submitted to the governor's consideration, he determined to arrest the printer. To prove the publication of the paper, two innkeepers, named Stilling and Stiles, purchased the numbers which appeared on the 3rd, 10th, and 14th of March; (affecting to find treasonable or seditious matter in them,) and made a deposition (to that effect) before chief-justice Sewell; who, at sight, issued an order to stop the printing and the further issue of *Le Canadien.*

A file of soldiers, led by a magistrate, was sent to take possession of the typographical *plant* of its printer, and seize his person. After undergoing a secret examination before the executive council, the latter was taken to prison. The military guard of the city was, at the same time, put on the alert, the sentinels at the different posts doubled, and patrols promenaded the streets; all as if the towns-people were about to rise in revolt! The mails were detained, in order (it was said) to get hold of the threads of the insurrectionary web supposed to be weaving, before the news of the vigorous dash just made upon its (alleged) contrivers could reach their outlying fellow-conspirators.—Three days were passed in scrutinizing manuscript correspondence, leading articles, scraps of "copy" &c. found in the editorial repositories of the *Canadien.* When a selection was completed of peccant matter, a special council was held upon it, at which attended the governor himself, along with Judge Sewell, the protestant bishop, and Messrs. Dunn, Baby, Young, Williams, and Irvine. Thereat was read the deposition of M. Lefrançois, by this time incarcerated, on a charge of high treason; also the depositions of four other persons connected with the printing-office of *Le Canadien.*

Three articles which had appeared in that journal served as a pretext for this *coup d'état;* especially one, which was headed by the whimsical title, "Take hold of your nose by the tip" (*prenez-vous par le bout du nez*).* It was a brief recapitulation of

* Perhaps the injunction verbalised in the above odd title was a sportive French equivalent, newly coined, for that almost as strange locution in our vernacular, "*Hold* your *tongue!*"—B.

certain events that had occurred in the country since the time of its conquest; and ended with observations savouring only of an exaggerated appreciation of British constitutionality. It need hardly be added, that there was nothing in the printed or written matter found, which could be perverted into treasonableness. Nevertheless, after the clerk of council had made an entry in the minutes for the day of a copy of the article above-noted, warrants were issued for the arrest of Messrs. Bedard, Taschereau, and Blanchet.*

An order was sent, the same day, to Montreal, for the arrest of Messrs. Laforce, Papineau (of Chambly), and Corbeil (of the Isle-Jésus); and warrants, signed or in blank, prepared against Mesrs. D.-B. Viger, J. Blanchet, and other leading Montrealers; but the execution of which was suspended for the time.

The governor then addressed the people in a long proclamation, couched in a style of exaggeration, intended to impose only on the credulous and awaken the fears of the timid: yet it is probable that Craig himself believed in what was published under his name. The precarious state of his health, which got worse daily, made him the victim of many vague apprehensions. In his address to the Canadians, dated March 21, he said that, as there had been spread abroad sundry seditious writings filled with the grossest falsehoods, got up with an intent to fill the public mind with distrust and jealousies, and thus alienate the people from their governing protectors, it was impossible for him to remain silent concerning practices which tended so directly to upset established order; and that, with the advice of his council, he had now taken the necessary measures to put a check on such proceedings. He enlarged, also, on the good-will he bore for the Canadians; put them on their guard against machinations of traitors; and recalled to their minds the material progress the colonists had made, chiefly owing, as it was, to the perfect freedom they enjoyed. He then apostrophized them thus: "During fifty years that you have been under British rule, has one act of oppression, has one instance of arbitrary imprisonment, of violation of property, or the rights of conscience, ever occurred? How, then, is it that constant attempts are made to rob our sovereign of the affections of a

* *Procès-verbal* of the Executive Council, March 19, 1810.

(naturally) brave and loyal people?" He denied the assertion made against him, that he had dissolved the chamber because it would not sanction a call made upon it to empower the levying of 12,000 men; or that he ever meant to impose, arbitrarily, a tax on land, as had been rumoured. The following passionate outburst succeeded to the foregoing protestations: "Base and daring fabricators of falsehood! on what part or what act of my life do you found such an assertion? What do you know of me or my intentions? Canadians, ask the heads of your church who have opportunities of knowing me; these are men of honor and knowledge, these are men from whom you ought to seek for information and advice: the leaders of faction, the demagogues of a party, associate not with me; they cannot know me. For what purpose should I oppress you? Is it to serve the King? Is it for myself, then, that I should oppress you? Is it from ambition? What can you give me? Is it for power? Alas! my good friends, with a life ebbing now slowly to its period, under the pressure of disease acquired in the service of my country, I look only to pass, what it may please God to suffer to remain of it, in the comfort of retirement among my friends. I remain among you only in obedience to the commands of my sovereign."

The governor's proclamation terminated with a request that the parish clergy would use their influence to discourage seditious tendencies; superadding injunctions to all magistrates, and every militia officer, to use due diligence in discovering the disloyal and punishing them.

Accordingly, the document, at the governor's solicitation, was publicly read, after sermon, in Quebec cathedral, and in several other catholic churches of the colony. The bishop, at the same time, addressed an allocution to the faithful present on the occasion, from the pulpit; in which, after answering for the loyal feeling of the generality of Canadians, he recalled to the minds of his auditory the obligation all were under to be submissive to the law, and obedient to constituted authority.

At the next opening of the criminal court, Judge Sewell, one of the instigators of the system of intimidation, first read the proclamation and then delivered a charge to the grand jury, commenting on the pernicious tendency of the principles proclaimed by agita-

tors. The grand jury, which was packed, and chiefly made up of political partisans, presented that the *Le Canadien* was a journal whose continued existence had become perilous to the state; they added, however, that (its rival) the *Quebec Mercury*, also sometimes contained inflammatory articles, calculated to irritate and shock the feelings of the French-Canadians. The latter remark was a mere subterfuge, however, to give an air of impartiality to the previous denunciations of the opposition newspaper writers. In fine, everything possible was done to impress a strong feeling of apprehension on the public mind. Couriers were despatched, in all directions, to spread copies of the governor's proclamation among the startled inhabitants, from which they acquired the first knowledge that reached them, how a plot had been entered into to upset his administration by violent means!

Men now wished to learn what all this hubbub was to end in. It was needful that the executive should do something to justify what it had already done, even were it not able to drag to light and punish those unnamed plotters alleged to have been the (unconscious) means of causing such strong precautionary measures to be taken. The public, in short, was patiently waiting for positive information on the subject, whereon to found a reasonable opinion regarding it; but none was vouchsafed. To baulked expectations, conjectures succeeded on all sides. A general question (never satisfactorily answered) was, "What accusations can the government have in store against the incriminated parties?" The fact was, that if the laws *were* violated by any, it was most so by the executive council itself. Meantime, the prisoners solicited to be tried, and the executive hung back; they then demanded their freedom, and it was refused. The ill health of some of their number, indeed, furnished a decent cover for setting all at liberty, one by one, after a lapse of time. M. Corbeil, liberated too late, returned to die in the midst of his family, of a disease contracted in his cell.

As for M. Bedard, chief of the party, he refused to quit his prison till a public trial should either establish his innocence or convict him legally of guilt. In this course he persisted, protesting always that his loyalty was unimpeachable. His inconvenient determination to bring the matter to that issue became extremely embarassing to the executive council, which really wist not what to

do. Craig, however, was in a manner constrained to acknowledge, that he felt esteem for the firmness and independent bearing of his victim.

The perplexed community at last began to see light breaking through the cloud which thitherto veiled the object the government had in view for troubling the public repose. Its sole aim, (if a distinct aim it had at all) was to influence the coming elections, so that the electors, awed by a demonstration of executive potency, should return assembly-men of a more meek character than their predecessors. It was doomed to be disappointed; for nearly all the latter were re-elected by strong majorities. M. de Bonne, the primary cause of the difficulties, did not solicit re-election at all. It is said that he was induced to forego his chance by a promise of a seat at the council-board; but if that were so, the promise was not kept. Soon afterwards he threw up his judicial charge.

The governor had to render an account to Lord Liverpool, then colonial minister, of the factitious troubles in Canada. Craig caused Judge Sewell to address to himself a memorial on the conduct the government ought to follow with respect to the Canadians. Sewell opined that the latter could not be *anglified*, or protestantized, except by being swamped in an Anglo-colonial population; and that, to obtain most readily such increase, that people from the United States should be attracted to Canada, if no sufficient numbers of immigrants came from Britain; that the two provinces should be fused into one, and many representatives be allowed for the British-derived population; lastly, that the nomination of the parish priests (*curés*) should be vested in the government, and that the estates of the Montreal seminarists should be appropriated by the executive, for the education of children of British parentage.

Thus indoctrinated, Craig wrote to Lord Liverpool (March 24, 1810) that a numerous and violent democratic party was spreading its pernicious principles in all parts of Canada, and exciting French-Canadian animosity against their fellow-colonists of British origin; that its conduct in this regard had become so insufferable, that he was obliged to resort to strong measures of repression; that he had, in consequence, stopped the publication of the party's chief expositor, the *Canadien* journal, but only after advising with

the executive council, which concurred in the necessity of doing so.

In a succeeding despatch, dated May 1, 1810, Craig said that the French and British colonists did not hold any intercourse; that, among the Canadian commonalty, the name of Britain was holden in contempt; that the Canadian people were sunk in gross ignorance; that they were drunken, saucy to their betters, and cowards in battle: and as for their religion, he observed that in terms of the act 16 Geo. III, the catholic clergy ought to be put under the Anglican hierarchy. He intimated that the king did not nominate their bishop, nor their parish priests—which was a very imprudent thing indeed! for no trust could be safely placed in the parties; and their peculiar faith made them enemies of Britain and friendly to France,—yea, even to Bonaparte himself, since the adoption of the Concordat. Sir James then proceeded to say, that the legislative council was composed of the most respectable personages in the province, of men who were animated with the best impulses to serve the king and benefit the country; while, contrarily, the assembly was made up of enemies of the British name,—a set of lawyers, traders, and simple husbandmen, all ignorant individuals, and incapable of discussing rationally a question of any import. He added, that the party which took the lead in assembly was composed of petty barristers (*avocats*) and unprincipled notaries, who knew nothing of the British constitution or the British legislature, although they professed to like and copy both; that the anti-British party were becoming more audacious in consequence of Napoleon's successes in Europe, and that its members were doing all they could to bring about the loss of Canada to Britain, and eventuate its re-conquest by the French.

After thus depicting the character and expounding the tendencies of the Gallo-Canadians, Craig enlarged on the measures which ought to be adopted for avoiding the catastrophe he feared, as imminent. He proposed to abolish their constitution, or else re-unite the two Canadas,—not approving, however, of such re-union, (but only insinuating that it would be better to have that done, than leave matters as they were). He would prefer, he wrote, to divide the counties, in such a way as to admit of the British colonists sending more representatives to assembly in Lower Canada, than

their numbers warranted. By this plan, parties would be more evenly balanced; and the device thus proposed, he thought, could be more easily called into play, than that of effecting a re-union of the provinces.

The governor further suggested, that the property qualification for a seat in the assembly should be raised; and that a stricter curb (*surveillance*) than hithertofore should be kept upon parliamentary proceedings, by intimidation. Thus, in ruling that the judges were ineligible as representatives, he said, that the constitution had been manifestly violated. The imperial parliament, he urged, ought to pass a law, empowering the Canadian executive to prevent the chamber from proceeding further with parliamentary business until it should rescind its excluding resolution. Before concluding, the writer reverted to the ecclesiastical branch of his subject. He opined that the king ought to nominate the parish priests (*curés*). The duty of exerting this power was, he urged, of such vital import that, if neglected, the final loss of the colony was certain: a crisis in its affairs (he said) had arrived, and if that decisive measure were not at once employed, in twenty years' time it would be too late to think of it. Every one believed, no less than he (Craig) did, that hidden influences were actively at work in opposition to British interests. It would be proper to observe heedfully the movements of the French priests who had immigrated, in great numbers, to Canada during the French revolutionary troubles. The present bishop was not a prelate of a turbulent spirit, but he was a crafty and very ambitious man. It would be well, he added, that the estates of the Montreal seminary should revert to the crown.

Craig did not transmit these despatches in the accustomed mode, but confided them to his secretary, Ryland, then about to embark for London; with directions to deliver them personally, and corroborate their contents by his own reported experience of men and things in the colony.

Ryland, accordingly, had several interviews, at the colonial-office, with Lord Liverpool and Mr. (afterwards Sir Robert) Peel, then under colonial-secretary. The latter thought that Craig had discharged his trust with ability; nevertheless, as the Canadians were a numerous people, he inclined rather to re-unite the two

war, and for five years afterwards; alleging, also, that they had demanded a re-establishment of the government of 1774. This demand was endorsed by Craig; who added, "it accords perfectly with my own views."

All these proposed infractions of the rights and nationality of the Canadians, would have taken effect then, as they did (*ont triomphé*) since, but for the stern attitude, daily becoming more hostile, of the United States.

The reasons for abstinence from change imparted to Ryland, were not the only motives of the British government for its (cautious) polity in the case. Britain was then engaged in a coalition against Napoleon: to have an additional war on her hands, waged against the Americans, would strain her resources and involve great sacrifices. The Canadians, whom she repudiated in peaceful times, might become potent auxiliaries in her behalf, if war supervened; and her rulers were wise enough not to think that assaults upon their institutions, and leaving themselves at the mercy of an alien race in their midst, were likely means to engage the French population of the province to espouse British interests. She therefore halted on the road of her meditated injustice (*elle s'arrêta donc dans la voié d'oppression où elle allait s'engager*), and hastened to transmit new instructions to her agents, ere it were too late, and the attachment of the Canadians quite forfeited.

The altered tones of the instructions then sent to Craig, thus signalized, sufficiently explain the conformable change observed, immediately afterwards, in Craig's conduct.

The chambers were summoned for the 10th day of December; and when they met the members were anxious to learn, from the governor's own lips, in what light he would view past and passing events. His inaugural address disappointed every body, for not a word did it contain on matters in debate. Instead of reverting to any vexed questions, as was fully expected, he protested that he had never doubted of the loyalty or zeal of the previous assemblies he had convoked; and expressed a confident hope that like principles and similar dispositions would characterize the present: assuring the assembly-men present, that nothing would gratify him so much as to find harmony prevailing among them; and that,

for himself, his constant rule would be to maintain an even balance between the rights of every branch of the legislature.*

This discourse sounded strangely to the hearers of it, after what had passed; it did not breathe a syllable, either, as to the (alleged) perils the state had run, nor regarding any measures the executive had been obliged to adopt to escape from them.

The chamber, in its reply, observed, "we shall earnestly concur in all that is done tending to the maintenance of unbroken tranquillity; a state all the more difficult to preserve in this province, as those who inhabit it cherish a diversity of ideas, habitudes, and prejudices, not easy to reconcile. It pains us much to note the efforts now made to falsify the opinions and sentiments of the (French-derived) inhabitants of this country."

It would not be easy to determine whether Craig did or did not expect to have so slight an allusion addressed to him on this occasion as the preceding, regarding recent acts of his. Be it as it may, he thought himself obliged to say something in justification of the violences which had been committed.

He said, that the fears expressed in the Assembly's reply as to the execution of the law for the conservation of the government, were not justified by the advices he had received. Only those who had too much reason to dread the law inclined to object to its potency, and the united clamours of such might have deceived the assembly as to their real number; but the act (called in question) had allayed public apprehensions since it came into operation; and why? Because the commonalty, simple-minded and illiterate as its members might be, naturally felt itself secure under a government armed with needful power, not only to make itself respected, but also able, if need were, to crush factious opposition and baffle the attempts of treason. Craig added, that his address had not been properly comprehended in one point by the chamber; for the "harmony" he therein spoke of, was that which ought ever to

* The author makes use, indifferently, of the terms "legislature" and "government," as if they were perfectly synonymous; but this system has not been followed, in all instances. In fact, his acquaintanceship with British political terminology, whether governmental or parliamentary, is evidently very limited.—*B.*

exist between the executive and the two other branches of the legislature; "whereas," said he, "I perceive you have applied the expression more generally, to the existence of principles in the community at large."

Meanwhile, M. Bedard was still incarcerated. The assembly in consequence, presented an address, craving his liberation. M. Papineau also went to the castle, and had a long conference on the subject with Craig. The latter, thinking perhaps that the prisoner's resolution was giving way, thus imparted to M. Papineau his last word on the subject: "For no consideration, whatever, can I consent to set M. Bedard at liberty during the present legislative session; and I shall make no secret of my sole reason for now retaining him in prison. It has come to my knowledge that it is the common discourse of the assembly-men, that *they* intend to oblige me to release M. Bedard. This idea, I understand, has taken firm possession of people's minds throughout the province. I think, therefore, that it is time the popular apprehension were set right as to the rightful limits of the several powers in the state; and that the chamber, while it represents, yet has no right to (directly) govern the country."

The governor, who meant to force M. Bedard to own the fault which, it was assumed, he had committed, and, at the same time, indirectly justify the incarcerations of other persons, now released, sent M. Foy, his secretary, to speak with the prisoner. Learning, about the same time, that M. Bedard, parish priest of Charlesbourg, was in town, he was asked to attend at the castle, and hear the reasons why the governor still retained his brother in captivity; being told, at the same time, that if the latter would but own he had been in error, he should be released on parole. The prisoner replied respectfully, but firmly, that not being aware of any fault he had committed, he would own to none.

Notwithstanding the decided language of the governor, M. Papineau was able to learn that M. Bedard would be released, unconditionally, as soon as the session finished; and that it would be useless for the chamber to persist in demanding his release before that time. It was agreed, therefore, after some discussion, to let the matter rest there.

The remainder of the session passed quietly enough. The fa-

mous act excluding the judges from the assembly, was one of the laws passed, and at once received royal sanction. In proroguing the parliament, the governor said: "Among the acts to which I have just declared his Majesty's assent, there is one which I have seen with peculiar satisfaction. I mean the act for disqualifying the judges from holding a seat in the house of assembly. It is not only that I think the measure is right in itself, but that I consider the passing an act for the purpose, as a complete renunciation of an erroneous principle, the acting upon which put me under the necessity of dissolving the last parliament."

The time was now near for M. Bedard to be released; but the governor had resolved on retaining him in ward till all the members of assembly left the city, lest any should have it in their power to say, that he was let out through their intervention! When the coast was clear, he went to the council, and asked whether it might not be expedient that M. Bedard's detention should cease? This demand was, of course, equivalent to an order. The reason assigned for not allowing him to get out sooner, manifested the (arbitrary) nature of his administration, and is in itself condemnatory of his policy. The executive council, which persisted in an unjust course, merely lest its willingness to return to a proper path should be mistaken for a fear of parliamentary power of redress, ignoreed the first principles of constitutional government.

After M. Bedard's enlargement, when he met his assembled constituents of Surrey county, he observed in addressing them: "The past ought not to discourage us, nor diminish our regard for the constitution. All other forms of government are subject to such abuses as ours permits, and to others yet worse. What is peculiar to a representative system is this, that it always contains within itself a power of relieving itself from them, sooner or later. All our contestations with the executive have eventuated in developing those advantages, the constitution has vested us with. A master-work is best known by its practical operation. To enable us to appreciate the utility of each of the springs in the state machine, we have but to be deprived of its use altogether. It is, besides, in the nature of things that great advantages should be obtained by some sacrifices."

Craig sought, not only to domineer over the parliament, but also

would fain have subjected the clergy to his will. While suggesting to the British ministry to suspend the constitution of Canada, he recommended, as we have seen, that the king should be the patron of the catholic church establishment, have the nomination of the parish clergy, the power of constituting new parochial jurisdictions, and take possession of the estates of the Jesuits and of the seminary of Montreal. He had three interviews on the subject, in the castle of St. Louis, with the bishop, M. Plessis, in 1811, and might have been convinced from what he heard, that the prelate would as firmly defend his rights as members of assembly had maintained theirs.

We have exposed other attempts hitherto made, at different times, since the Conquest, to abase our catholic church, and put protestantism in its place. We have shown, also, that the advent of revolution in the old colonies became a means of disarming persecution, which afterwards evaporated in menaces only. It may be added, also, that the dispersion of the clergy of France, during the reign of terror in 1793–4, contributed much to lessen British prejudices against catholicity; and that the consequent revulsion of feeling occasioned thereby, was strong enough to permit the entry to Canada of refugee priests, whose access to it would have been denied but a few years before.* But early in the present

* "The French Revolution, so deplorable in itself," wrote the bishop of Quebec, M. Hubert, to the bishop of Léon, in London, "ensures, at this moment, three great advantages to Canada: that of sheltering illustrious exiles; that of procuring for it new colonists; and that of an increase for its orthodox (*zélé*) clergy.

"The French emigrants have experienced, most consolingly, the nature of British generosity. Those of them who shall come to Canada are not likely to expect that great pecuniary aid will be extended; but the two provinces offer them resources on all sides.

"In respect of the ecclesiastics, whose immigration to this country, it appears, the government kindly wishes to favour, here is what I have to represent to you, monseigneur, for the present:—In the diocese of Quebec, there are about 140 priests in all. This number is evidently too small for properly attending to the spiritual wants of 150,000 catholics, the present estimated population.

"The clergy of this diocese will second my views in the matter, in all ways that depend upon their agency; and with respect to the dispositions of the government, I perceive that they are most favourable..."

century, the British government sought to retrace its steps; or rather, it aimed at subordinating the altar to the throne, in order to sap the former by slow degrees. In 1805, it made known to the bishop an intention to reclaim, at the papal court, the privilege accorded to the kings of France, by the Concordats,* of nominating to the parochial charges in the colony. In return, the ministry offered a more solid establishment to the bishop, and a more complete recognition of his episcopal authority than before.

The prelate resisted the measures proposed; which would have subordinated the Canadian church to an Anglican establishment.[?] Should the king proceed to impose upon the former any the like regimen, it was resolved, that protestations against it should be got up by the clergy and laity together; and if their resistance were found ineffectual, the Holy See was to be had recourse to for its interposition. A change of ministry in Britain supervening, however, the commencements of the affair were not followed up. M. Plessis, previously, had long discussions, on the subject, with Sir Robert Shore Milnes, attorney-general Sewell, and Mr. Grant.

In 1811, the governor said to M. Plessis: "You are in an unpleasant situation, and I should like to improve it. You are not able to keep up the state which belongs to your rank, and I am not allowed to recognise you for bishop of Quebec; but it depends upon yourself to be fully recognized, and confirmed in the exercise of your episcopal functions, by a commission from the king." M. Plessis maintained, that all collations, the jurisdic-

* The first and most important of the papal concordats, as regarded France, was that between Francis I and Pope Leo X, signed at Bologna, Aug. 15, 1516. It superseded all pre-existent "pragmatic sanctions" favouring the liberties of the Gallican church. Another famous concordat, was that between Bonaparte (first consul) and Pius VII, and became a law April 8, 1802. It was composed of seventeen articles. In terms of article 4, Napoleon was to nominate, before the expiry of three months, titulars to all the French sees then vacant, and, by art. 5, he was empowered to nominate prelates to all sees thenceforth to become vacant,—subject, however, to papal ratification. By a previous stipulation (art. 2) the French government (*i. e.* the first consul), concurrently with that of Rome, was warranted to make an entirely new circumscription of all the olden dioceses in France.—*Dict. des Dates.*—B.

tion (vested in him), and canonical institution, or the power given to a priest to govern his flock in things spiritual, to proclaim God' will to his people, to administer the sacraments to them,—that, all these duties must be derived from the church alone; that in the king was vested all temporal but no spiritual power. Add to every other opposing consideration the fact, that the very proposal of making such a change as that proposed, was sufficient to set the whole province on flame.

The governor here observed: "A person who knows this country well, assures me that (your) religion is sensibly decaying in it."

The bishop immediately replied: "I have no hesitation in saying, as one knowing (probably) the Canadian people better than he, that they are attached firmly to their religion, and will not hear of any change being made in detriment of its present establishment. There is no one thing they will stand up for so determinedly as that." Craig thus rejoined:—"It is a certain fact, however, that up to the present time, the country has been governed in a spirit foreign to that of the British constitution. We let many things pass here, which would not be permitted in any other part of the British dominions. The home government will be justified in calling me to account yet, for several concessions, which were made contrary to its instructions. So long as the province was not a dependency of much consequence, small regard was paid to such irregularities; but since it has become an important colony, in respect of its population, its natural produets, and its trade, now augmented to an extent undreamed of in former times, so great an extension, in all respects, having been given to the colony, it is time that its government were organized on the same plan as the other portions of the Britannic empire.....Its greatest glory is, that royal prerogative rules everywhere in it.....An ill-selected clergyman might greatly embarrass the executive."

Sir James next tried to entrap the bishop, by appealing to his self-interestedness and worldly ambition. "The parish clergy cannot prosecute defaulters whom they are entitled to tithe; and as for yourself, how scanty your revenue is!"—"An income," returned M. Plessis, "is the last consideration an ecclesiastic ought to be heedful of; the catholic clergy have often manifested how ready they were to make sacrifices of a pecuniary nature.....How-

ever stinted and precarious may be my revenue, I had rather that it were still more so, than that those under my episcopal jurisdiction should be able to say that I made a bargain of my charge." The governor still persisting in his suggestions, the prelate thus responded: "Religion is the work of God; and I trust that He will ever maintain it in this country.....Your government allowed my predecessors, ever since the Conquest, to superintend the diocese in all freedom: this liberty became for them an additional motive for manifesting a zealous attachment to British interests; and I have walked in their steps. For having proclaimed this feeling, by spoken and written words alike, I brought upon myself the animadversions of some of my compatriots. Surely, metropolitan potency is but another name for justice: if our bishops in this country are to be maltreated, I hope that the evil intent will not be first realized in my case....." M. Plessis afterwards observed: "British prejudices against catholicism are surely dying out. Your legislators have lately softened the penality their predecessors imposed on English and Irish catholics. How many things, forbidden by statutes passed under Edward the Sixth's, Elizabeth's, and following reigns, are now done with perfect impunity! What liberal opinions were expressed, during the session of 1805, in both houses of parliament in favour of the Irish catholics, when an attempt was made to emancipate them entirely!.....Think you that such forceful pleas for the rights of conscience would have been adventured in your legislative halls this time a century ago? As for the spiritual supremacy which the English parliament once thought fit to bestow on the monarch, and which the Imperial legislature still upholds, it is very certain that no member of any catholic community would ever submit to such a domination."

"We do not recognize the catholic church," said the governor in conclusion.—In his estimation, royal nomination to curacies would insensibly operate in effectually undermining the people's religious faith, and bring about, ultimately, a universal apostacy; but the age we live in is not favourable to an undertaking of that kind. Far from seeking to implant a new faith, governments have enough ado to maintain the old; not to mention that there are

enough of other germs of revolution (in the bosom of society) to command their constant attention. *

Not many days after the above reported colloquy took place, Sir James Henry Craig set out for Europe. His bodily frame had long been affected by a dropsy which proved mortal; he was tapped for it (the second time) shortly before he left. On his arrival in England, he wrote to the colonial minister, to excuse himself for returning home without leave. Lord Liverpool replied, that the state of his health itself excused his uninvited presence in England. He was informed, at the same time, that the Prince Regent warmly approved of his conduct as Governor of Canada.

Our people, however, have qualified the time of his administration as "the Reign of Terror." In the strange discourse he pronounced, in proroguing the chambers, after all that had passed, he justified the assembly completely for its persistence in excluding the judges; and finished it with self-complacent phrases, as if he had left all parties in a state of perfect concord and mutual esteem: the illusion of an imagination not controlled by sound judgment. His foible was, to imitate a great conqueror who held an absolute sceptre in another region of the world. Maugre the complimentary addresses which his partisans presented to him before leaving, and the demonstrations of the British population, which unharnessed the horses of his carriage and drew it to the embarking-place, he made bitter reflections on the falsities and ingratitude of humankind, more of which, he said, he experienced in Canada than anywhere else. Yet was he immeasurably belauded by sundry, if not all, and, up to the latest moment of his stay in the colony, was regaled with partisan approbation and felicitations of the most unqualified character.

* If we understand the text aright, this concluding reflection embodies a senitment of M. Garneau himself on the subject.—*B.*

BOOK FOURTEENTH.

CHAPTER I.

WAR OF 1812.

Sir George Prevôst; his polity.—Relations between Great Britain and the United States.—First hostilities on sea.—The American war-party in the ascendant.—War declared.—British defensive system.—Strength of the United States.—Organization for the defence of Canada.—Zeal of the catholic clergy.—M. Plessis tries to obtain the official recognition of Canadian catholicism by the British government.—John Henry's secret mission to the United States, and its result.—First aggressive movement of the American land-forces.—General Hull invades Canada, but soon retires from it.—Sundry combats and skirmishes.—General Brock captures Hull and his army.—Van Renselaer invades Canada.—Battle of Queenston; death of General Brock.—Defeat of the enemy.—Renewed but abortive invasion of Canada, by General Smyth.—General Dearborn makes a feigned attack on Canada, and retires.—Hostilities on sea.—Session of parliament.—The legislature sanctions customs duties to defray war-charges.

The parliamentary discord which troubled Craig's administration, and the popular manifestations which took place under it, emboldened the war-party in the United States, and raised its hopes of making an easy conquest of Canada. In Britain, the hostile dispositions of the Americans caused the colonial-office to look upon the Canadians with a favourable eye, and induced the ministerial functionaries to attempt bringing the Canadian legislature and its executive into more accord than had existed before.

The incapacity and intolerance of Sir J. H. Craig were the chief causes of recent troubles. A different system from his, it might fairly be expected, would allay the irritation he left behind him. The governor of Nova Scotia, Sir George Prevost, a veteran officer, of Swiss origin, who was appointed as Craig's successor, seemed to be a suitable party under the circumstances. He was a wise and moderate man, who possessed good sense, and used an

impartiality in his dealings with all, which had become rare lately among metropolitan functionaries.

Observing on one side, the enormous power of Britain, and on the other, the comparative weakness of the colony, British governing agents took for the basis of their conduct, the respective forces of the two parties, and not the requirements of the constitution. They saw the mother country personified in themselves, and were persuaded that all obstructions made to their acts were malevolent and factious oppositions directed against British supremacy. This mode of excusing themselves for the faults which their ignorance or partiality caused them to commit, had the advantage of sheltering them from responsibility, but it shifted the quarrel to a ground perilous in time coming—to the ground of the connexion (*alliance*) between the colony and the metropolitan country; to the ground of rebellion or independence.*

On his arrival in Quebec, Sir George Prevost set about calming public perturbation, and inducing oblivion of the animosity that reigned in men's hearts. He manifested perfect confidence in the loyalty of the Canadians; he strove to prove, upon all occasions, that the accusations of treasonableness brought against them, had made no impression on the British mind or his own. He nominated the man whom his predecessor imprisoned as a promoter of sedition (M. Bedard), to a judgeship at Trois-Rivières; he gave a colonelcy of militia to M. Bourdages, an adversary no less ardent of the Craig administration. Soon most lively sympathy sprang up between the governor and the people. The selection of such a

* The paragraph almost literally Englished as above, seeming to us not a little enigmatical, the author's text is reproduced here :—"Voyant d'un côté, la puissance énorme de l'Angleterre, de l'autre, la faiblesse de la colonie, ces agents prenaient pour base de leur conduite les forces respectives des deux partis, et non l'esprit de la constitution. Ils voyaient la métropole personnifiée en eux, et se persuadaient que toutes les oppositions qu'éprouvait leur volonté, étaient des oppositions malveillantes et factieuses dirigées contre la suprématie anglaise. Ce moyen de l'excuser des fautes que leur partialité ou leur ignorance leur faisait commettre, avait bien l'avantage de mettre leur responsabilité à l'abri; mais il transportait la querelle sur un terrain dangereux pour l'avenir, sur le terrain de l'alliance entre la colonie et la métropole, sur le terrain de la rébellion et de l'indépendance."—*B.*

man, and the royal instructions he was to follow out, were (entirely) due to the hostile attitude of Britain relatively to the United States. War between the two countries was now imminent. In our last chapter we assigned the causes of the misunderstanding which had arisen, and as it stood in the year 1809. At that time Mr. Madison became president of the confederation in place of Mr. Jefferson, the personal friend and disciple of Washington. For a moment, reconciliation with Britain was thought possible by the new American cabinet; for the British resident envoy announced that the orders in council which prohibited all intercourse with the French and their allies, would be revoked, so far as the American republic was concerned; but the statement of the envoy being disavowed by his superiors, the quarrel between the parties became more envenomed than ever, and the position of Britain was in nowise improved in American estimation when Napoleon revoked his Milan decree, in 1810, which had previously forbidden all trading of his subjects and allies with Great Britain and her colonies; while the latter power, as noted just now, adhered to the polity which France renounced. The war-ships of the two nations, ever on the look out, made ocean traffic increasingly difficult for all others. The American frigate *President*, commanded by commodore Rogers, captured the British sloop-of-war *Little Belt*, captain Bingham, after a sanguinary fight. Concurrently, the savages of the West commenced hostilities against the Americans; but General Harrison, who was sent with a force to protect the frontiers, defeated them on the banks of the Wabash, Indiana. The anti-British party in the States threw the blame of the frontier troubles on British agents, and loudly demanded that war should be declared.

The war-party in the States had long been labouring to obtain predominance in the federal government, and the time was favorable to its aspirations. Britain was hotly engaged in the Spanish war; Napoleon was on his way to Russia, therein to win or lose the sceptre of the world. Animated by these events, a belligerent ardour possessed the Americans, and the cry, "To arms!" resounded throughout the republic. The Congress-men were commoved; the capital was beset by complainants against the mistress of the seas. Vehement discourses were employed to urge the

agricultural and commercial bodies, ever slow to engage in hostilities, to join with other interests in resisting British pretensions by force of arms. The hesitating were assured by bellicose orators and journalists, that once war were fairly proclaimed, the Americans had only to open their arms wide enough, and the Canadians would rush into them; that they were ever chafing under the yoke laid on them by the British, and all eager to shake it off. In the presidental message to Congress for the year 1811, Mr. Madison said, "Notwithstanding the scrupulous justice and great moderation, despite all the earnest efforts, of the federal government, observed and made to maintain peaceful relations between the two countries, we have seen the British cabinet persist, not only in refusing satisfaction demanded for the wrongs we have already suffered, but it is extending to our own waters that blockade which is become a virtual war against us through a stoppage of our legitimate commerce. In presence of an evident and inflexible determination of the British, to trample on common rights which no independent nation can safely forego, the Congress will feel the urgent necessity which exists, of arming the people of these United States, so that we may be prepared for all eventualities, and justify the confidence they have reposed in us, the representatives of the nation."

After laying an embargo on all British shipping then in American ports, the two houses of the federal legislature passed a bill empowering the president to declare war against Great Britain.* At this time almost all warlike preparations had to be made; the Americans had as yet, no regular army on foot, nor stored up munitions of war, nor any leaders of tried and recognized military talent. All means of defence and aggression had to be got up in haste, not to say with precipitation.† Despite the seeming

* The war-bill was passed, June 18, 1812; and, six days afterwards, the news reached Quebec.—*B.*

† The war-party in the States, reckoning for little or nothing the mobbish parts of the body-politic,—parts then only in the gristle,—was numerically weak; weaker still in possessing the "sinews of war," and for respectability in any form. Its only chance to "realize," was therefore to take by surprise a peace-loving community, as a great majority of the Americans then really were, and drag it over the preci-

enthusiasm of the house, the Americans had not then, any more than now, a love of fighting, or a passion for martial glory. Those instincts, strong among the European nations, are all but absent in the temperament of New World populations.[?] The latter did not gain the lands they live on, by means of brilliant victories; they did not take their place as conquerors, in the midst of a degenerated or decayed civilization. Their traditions abound not in conquests, nor in crusadings, nor in castellations, nor in chivalry. All heroic impulses, all the warlike and imagination—affecting pomp, which signalized the birth and attended the growth of the modern nations of Europe—every one of these exalting characteristics is unknown to America. The New World was discovered, and began to be colonized, at a time when forms of society unlike those in the old, were in a state of commencing transition; when the great mass of mankind, born to labour and to suffer,—in a word, the people,—were beginning to agitate for obtaining a government suited to public needs; and whose more aspiring members, struggling to raise their heads from the pool of penury, were becoming a middle class, destined soon to take a ruling place in conjunction with, or to the displacement of, the regality of the sword, sustained by a now subordinated aristocracy.

The ruling passion (if cold calculation can fitly be so termed) in most communities, at this hour, is that of selfish interest; among the men of the States, it swallows up all others. And thus it was, that the first ardent impulse past, a war waged against Britain in her Canadian dependencies, appeared to be a hazardous speculation. Accordingly when hostilities were in progress on that side, the American leaders, fearing to advance too far, marched with great precaution; and the war of 1812 was made up of a series of skirmishings, in which neither one of the belligerent parties reaped great advantage, or gained much credit. With her military resources almost entirely absorbed in European wars, Britain was constrained for the present to maintain a defensive attitude in America; and her leaders there were directed not to quit colonial

pice which the party had led it up to. A common plunge once made, there was no return for any, however much wished for it might be by most.—*B.*

limits till a premeditated time for assuming the offensive should arrive. With means so limited as they had in hand, there was, in fact, no other safe alternative. The vast sweep of the frontier line, was then all the more difficult to defend, as, in addition to the icing up of the St. Lawrence for nearly a moiety of the year, they were approachable by enemies under covert of forests, since levelled by the axe. The courage of the colonists themselves, with the disciplined valour of the small amount of regular soldiery which the home authorities could spare, formed the living and almost sole barrier that was at first opposed to American invasion.

The Congress, on its part, sanctioned the enlistment of 25,000 men, to constitute a regular army, to act in conjunction with 50,000 volunteers, who came forward; while 100,000 militia-men were called up to guard the seaboard, and defend the land frontiers. General Dearborn,* a revolutionary veteran, was nominated American generalissimo. Such a levy of bucklers had been formidable enough, if mere numbers of armed men were sure of carrying the day; but experience in war was wanting to them and their leaders, and this defect became an efficient means for securing the possession of Canada to Britain. Nevertheless, as there were equipped at the outset 175,000 men,—an amount exceeding that of the total male population of all British America capable of bearing arms,—had such an armed mass, properly led, been thrown upon Canada, before further military forces could arrive from Britain, there is scarcely a doubt that the colony would have been lost to her forever.

Meanwhile the Canadians, of all races, were preparing for defensive war with an activity and martial spirit which gave great promise of a successful issue. Sir George Provost made a progress of observation through the district of Montreal, and along the frontier towards Lake Champlain. He also examined the fortified posts, and noted the military positions, on the right bank of the St. Lawrence. Everywhere he found the colonial population animated by the best spirit. Not but that there was some adverse feeling manifested, but it was exceptional, and almost confined to

* Irreverently called "Granny Dearborn," in contemporary American newspapers of *fire-eating* complexion.—*B.*

a few of the younger assembly-men, who had been disgusted by the outrageous conduct of Craig. There was even a secret conclave held at Quebec, in Mr. Lee's house, whereat L. J. Papineau, Borgia, and some other members of assembly attended, to deliberate on the question whether a neutral position should be taken by the country party; but M. Bedard and his friends opposed that intent, and it was finally renounced.

The Canadian legislature was twice called together in 1812; the first session commencing Feb. 21, the second on the 16th of July. The governor solicited the chambers to renew the (extra-legal) acts formerly passed for the security of the government. A compliance with this request involved a renewal of the odious law against "suspected persons," which had been so much abused by the preceding administration. The assembly replied, that the matter would [not ?] be taken into consideration.* Sir George hastened, in rejoinder, to urge upon the attention of the assembly that their assent to the proposal would be the most efficacious manifestation of their regard for the public well-being, while it ensured the tranquillity of the province. The members were content to rely upon the governor's pledged word (*parole*),† but they wished to put it out of the power of his successors to act as his predecessors had done. The act was renewed, but not without some amendments. It vested in the governor alone, but not the executive council as before, the power of imprisoning parties suspected of treasonable practices, and enacted that no member of either chamber should be arrestable; the former precaution showing

* The words interrogatively marked as above, are a fair translation of those in M. Garneau's text: "La chambre répondit qu'elle s'en occuperait." Perhaps it is a Canadian parliamentary phrase equivalent to the Norman-French formula, "Le roy (la royne) s'en avisera," of our monarchs, when they veto (a thing never done any time these hundred years) a bill passed by the two houses.—*B.*

† Sir George put them in mind, that "he could at all times, by virtue of his commission, avail himself of the power of proclaiming martial law to its fullest extent; and from the persuasion, which he trusted was entertained by the house, that in seeking from them a partial exercise of it, he could have no other object in view than the preservation of the tranquillity and welfare of the province, with the least possible injury to the public convenience."—Christie, *Hist. of L. C.*, ii. 14.—*B.*

plainly the discredit into which the councillors had fallen, since the assembly preferred to place the country at the mercy of an individual, not a native, rather than to put personal freedom in the keeping of the former.

The legislative council refused to entertain the bill thus amended; which was natural enough, as the measure censured, indirectly, its past conduct; and, though a conference took place in hopes of surmounting this difficulty, the bill was let drop altogether: a result most satisfactory to the public. In proof that the law was retained merely as an instrument of oppression, we may by anticipation state the fact, that it disappeared from the statute-book at the advent of a season of war; the only time of such public danger as could have justified its use.

The chamber afterwards passed a bill for organising a system of defence of the province, and for arming the militia. It authorized the governor to levy and equip 2,000 men; and, in case of invasion or insurrection, to arm the whole militia of the country. It voted £12,000 to organise the militia called out; £20,000 to provide for the security of the province; and £30,000 more for general purposes. It entered a protest, at the same time, against the imputations of disloyalty cast upon it by Craig; and resolved, on the motion of Mr. Lee, to constitute an inquest regarding the events which took place under the sway of that governor; so that the king might be petitioned to save the country from all risk, in future, of such conduct as his being repeated. The motion was seconded by Mr. L. J. Papineau, who already manifested like oratorical powers to those possessed by his father. The bill passed almost unanimously; only two members giving dissentient votes. Messrs. Lee, Papineau (senior and junior), Bedard, and Viger, were nominated to form the inquest, having orders to conduct it with closed doors; but no report was ever made of their proceedings.

During the second or summer session of 1812, the governor recommended that an issue of army-bills should be sanctioned, as the executive had not money enough in hand to defray the additional expenditure occasioned by the war. The chamber voted £15,000 per annum for five years, to pay the interest of such army bills as should be issued; authorized an emission of them to the amount of £25,000; and ordained that they should form colonial paper-money.

When news arrived that war was proclaimed in the United States, the towns and villages of Canada already resounded with the clang of arms; and the militiamen were busily exercising, under the direction of their officers. The Gallo-Canadians, true to the instincts of their race, were everywhere girding their loins for the toils of war.

The governor, anxious to stand well with the clergy, who, he thought, might be somewhat malcontent through the imprudent calling of their rights in question by Craig, had several (conciliatory) interviews, with M. Plessis; who profited by the occasion to obtain a full recognition of the legal existence of Catholicism in Canada. Sir George having expressed a desire to be informed as to what ought to be the proper footing of catholic episcopacy in Canada, M. Plessis handed to him a memorial, in the month of May, 1812; in which he reported the recognised standing of the prelates of the see of Quebec before the Conquest, what it had been since, and the status they ought to occupy then, and in all time coming, to the material advantage of church and state.

"Before the conquest," we read in the memorial, "the Canadian bishops governed their diocese in the same way as the bishops of France ruled theirs; namely, in accordance with the canons of the Church and in conformity to royal ordinances. They had a cathedral chapter, composed of five dignitaries and twelve canons; an ecclesiastical corps this, over which they exercised full episcopal jurisdiction, as well as over the secular (parish) clergy, and the communities of *religieuses*. They presided in synod, erected parishes, nominated priests to parochial charges and revoked those nominations at discretion; made visitations of churches, monasteries, and other consecrated localities; they issued ordinances regarding discipline and correct morals, which clergy and laity alike were bound to regard; they examined and audited the accounts of the moneys expended in building, repairing, and keeping up churches, &c. (*les fabriques*); they also regulated the levying and outlay of the moneys provided for such purposes: in fine, they had the absolute control of the whole ecclesiastical and religious establishments of the colony; and nothing could be done in regard to the secular clergy, or to the material condition or resources of the parish churches or monasteries, without their

order or by their approbation. Their supervision extended even to the schools.

"Since the Conquest, the British government having refused to recognize bishops for Canada (coming) from France, the chapter, which was charged with the administration of the diocese while the see was vacant, considered itself as placed in a position like that of cathedral chapters in times anterior to the concordats, when the bishop was elected by the clergy of his (cathedral) church; whose choice was (usually) confirmed by the metropolitan or by the pope, and recognized by the sovereign. By a capitulary act, A. D. 1764, M. Brîand, a member of the chapter, and one of the vicars-general, was elected bishop of Quebec. Despite the recommendations of Governor Murray, the British ministry refused to formally approve of this election; but an intimation was given, that no steps would be taken to call it in question. The court of Rome having granted (sanctioning) bulls, M. Brîand was episcopally consecrated at Paris in 1766. Returning to Canada, he exercised his functions without let or hindrance, upon taking the oath of fealty to his Majesty.

"The cathedral chapter, constantly reduced in number by deaths, and having no sufficient pecuniary maintenance, became gradually extinct. Its last capitulary assembly took place Sept. 10, 1773; and the latest surviving canon died 1796. With the consent of Sir Guy Carleton, one episcopal coadjutor had been nominated in 1772, who was to replace the bishop in case he deceased or resigned."

M. Plessis, in continuation, observed that the bishops (ever since the cession of the colony to Britain by France) had constantly made, and himself still made, professions of the most scrupulous loyalty; and had sought, on every occasion, to inculcate submission to the government on the minds both of clergy and laity. As it was well known that the Canadian bishops never aimed at exercising any other than spiritual authority over the catholics within their diocese, this rightful jurisdiction had never been contested by the contemporary civil authorities, nor their episcopal titles disputed till within a few recent years; during which a few jealous persons, covering hostile designs with the plausible pretext of a zeal for royal interests and prerogatives, had started debates as to the

legality of a canonical and inoffensive authority such as that just described. In 1806, a crown lawyer had deposited in one of our courts a requisition, calling in question the right of jurisdiction of any catholic prelate within a British dependency; and invoking against it the penal operation of certain English parliamentary statutes,—the bitter evidences still extant of the religious animosities of the 16th century; the effect of which, had they been called into play, would have been to quite abolish catholic episcopacy in Canada.

M. Plessis concluded by demanding, that he and his successors should be formally recognized, by the civil power, for catholic "bishops of Quebec"; with collateral jurisdiction, in things spiritual, over all the other catholic populations in every part of British North America: at least, until an agreement were come to, between the see of Rome and the king of Britain, that additional colonial episcopates for governing other catholic populations, should be established. He stipulated, that episcopal rights should, in future, be as extensive as before; that no new catholic parish should be created without episcopal intervention; that the bishop's right to nominate to vacant parochial charges and to supply missionary priests, should be maintained; that the proprietary right of the bishop to the episcopal palace should be confirmed, and that he should be authorized to enter upon possession of it at a future time (*et qu'il fût autorisé à l'acquérir à l'avenir*). Finally, without demanding an assignment of revenue (for himself), he intimated that it would be advantageous to the civil government, if such were accorded; also that it would be equally beneficial, for all parties, if he were allowed to take his seat at each of the council boards, as the representative of the catholic church of Canada.

These demands, all the more favourably received because of the loyal zeal M. Plessis constantly manifested and ever sought to communicate to the whole clerical body, were granted afterwards. In the year 1813, Prevost suggested that £1000 a year should be paid to the prelate of Canada; and the protestant bishop in vain asked that the jurisdiction and title of the catholic bishop should be suppressed; he observing, that nothing could be more anomalous than to recognize two titulars for one diocese. Lord Bathurst, to whom the remonstrance was addressed, blew it aside

with the simple but conclusive remark, that the present was not a fitting time, when Canadian Catholics were fighting the battles of Britain, to agitate such a question at all.

The interests, even the necessities of Great Britain, at that time, required that she should lend a favorable ear to the just requests of the Canadians, for her foot-holding in America was ever becoming more and more precarious, through the constant strengthening of the United States, by increased population, riches, and political consideration. The ocean which separates the Old from the New World is a more insuperable barrier than the land-and-water line which limits Canada and the States on our southern and western frontiers.

The nationality of the Canadians gives a moral reality to what is almost an imaginary material circumscription; and the detail of warlike events, we are now about to enter upon, will themselves corroborate what we have just expressed.. An effective appeal was made for their aid, by invoking their attachment to their laws and religion; and that appeal from the representative of British royalty involved a debt of honour still due by the British people to ours, whose martial ardour was excited by those means, viz. an implied engagement ever to respect those institutions and that religion, all the more sacred for being contracted in a season of peril.

The Canadians flew to arms. What Sir George Prevost had promised to their representatives and to their clergy, was interpreted in the most liberal and generous sense. The people did not hesitatingly inquire whether Britain might not, at some future time, send another Craig to abuse and despoil them: every man of them was possessed by one desire, that of doing his duty; and the enemy might stand assured of the fact, that the defection which was predicted would not take place.

The governor directed his regular troops toward the frontiers, and confided the guardianship of Quebec, the key of the colony, to the city militia; the men in which had been represented, not long before, as animated by very dubious feelings,—as rebellious, in short. Bedard and several others of the citizens, accused erewhile of meditated treason, were openly restored as officers in the militia of the district, by special "order of the day."

In the month of March, Mr. Madison informed congress, that

while the Americans were at peace with the British, the government of the latter had employed an emissary to traverse the States of the Union severally, but more especially Massachusetts, in order to excite the people to revolt, and detach some of the States, if possible, from the confederation. The special message thus sent to the American legislature, made a great sensation in the country. The person employed on the occasion was an Irishman named John Henry. He held a captain's commission in the American army; and resided at Montreal, in 1806, where he passed for being a law student; and he had been employed, since that time, in some secret mission, which he conducted to the satisfaction of the chief colonial-office functionaries in London; finally, Mr. Ryland, when private secretary to Craig, solicited him, by letter, to enter upon a second confidential mission, the correspondence connected with which was to be in cipher, Craig supplying the key therefor. The mission turned out to be that tour of espial exposed by the American President, and it was undertaken to sound the tendencies of each dominant party in every state of the confederation; and in case inclinations were manifested by any of them to become so malcontent as to long for a separation, to put their leaders in communication with the British authorities. Craig gave to Henry his instructions, recommending him to obtain the most exact information possible of the disposition of the men of Massachusetts more especially, as that state was supposed to exert the greatest influence in the eastern parts of the Union: he was to insinuate himself into the privity of certain party leaders; and to let them understand, but with great caution, that if they would correspond with the British cabinet through the Canadian executive, he was authorized to be their intermediary; he to show his letters of credit, if need were. Henry was ordered, also, to write often to Quebec, but, to evade suspicion, to address his letters, some to Judge Sewell, some to another citizen pointed out, and others, on rare occasions, directly to Ryland himself.

It was thought that the working of the embargo act passed by the congress, being highly detrimental to the trading interests of the New England and central States, would cause them to wish for a separation from all the others. Henry, who repaired to the field of intrigue, wrote a pile of letters thence, ere he returned to Mon-

order or by their approbation. Their supervision extended even to the schools.

"Since the Conquest, the British government having refused to recognize bishops for Canada (coming) from France, the chapter, which was charged with the administration of the diocese while the see was vacant, considered itself as placed in a position like that of cathedral chapters in times anterior to the concordats, when the bishop was elected by the clergy of his (cathedral) church; whose choice was (usually) confirmed by the metropolitan or by the pope, and recognized by the sovereign. By a capitulary act, A. D. 1764, M. Briand, a member of the chapter, and one of the vicars-general, was elected bishop of Quebec. Despite the recommendations of Governor Murray, the British ministry refused to formally approve of this election; but an intimation was given, that no steps would be taken to call it in question. The court of Rome having granted (sanctioning) bulls, M. Briand was episcopally consecrated at Paris in 1766. Returning to Canada, he exercised his functions without let or hindrance, upon taking the oath of fealty to his Majesty.

"The cathedral chapter, constantly reduced in number by deaths, and having no sufficient pecuniary maintenance, became gradually extinct. Its last capitulary assembly took place Sept. 10, 1773; and the latest surviving canon died 1796. With the consent of Sir Guy Carleton, one episcopal coadjutor had been nominated in 1772, who was to replace the bishop in case he deceased or resigned."

M. Plessis, in continuation, observed that the bishops (ever since the cession of the colony to Britain by France) had constantly made, and himself still made, professions of the most scrupulous loyalty; and had sought, on every occasion, to inculcate submission to the government on the minds both of clergy and laity. As it was well known that the Canadian bishops never aimed at exercising any other than spiritual authority over the catholics within their diocese, this rightful jurisdiction had never been contested by the contemporary civil authorities, nor their episcopal titles disputed till within a few recent years; during which a few jealous persons, covering hostile designs with the plausible pretext of a zeal for royal interests and prerogatives, had started debates as to the

I tender you the invaluable blessings of civil, political, and religious liberty...That liberty which has raised us to an elevated rank among the nations of the world, and which has afforded us a greater measure of peace and security, of wealth and improvement, than ever fell to the lot of any people.....Raise not your hands against your brethren; many of your fathers fought for the freedom and independence we now enjoy. Being children, therefore, of the same family with us, and heirs to the same heritage, the arrival of an army of friends must needs be hailed by you with a cordial welcome."

This address, which was composed with some ability, was not backed by military operations of corresponding skilfulness. General Hull was not fit for his work. After remaining inactive for a month, in his enemy's territory, he re-crossed to his own. Several of his detachments had been defeated by parties of our soldiers and bands of savages. Lieut. Rolette, commanding the *Hunter* armed brig, with six men only, boarded and took the packet *Cayahuga*, with troops on board, and freighted with baggage and hospital stores for the American army. Capt. Tallon, detached with a small party by Col. Procter, met, below Detroit, Major Vanhorne, defeated his men, and captured important papers. In other parts of the country, the enemy had the like ill fortune while the campaign lasted. Captain Roberts, of St. Joseph, in a little island of Lake Huron, captured Mackinac, without striking a blow, by means of 30 soldiers, M. Pothier, and some Canadian voyageurs, supporting him: this was one of the strongest of the enemy's posts. The conquest of that place made a great sensation among the native tribes of the country, and attracted nearly all their warriors to the British standard; it was also prelusive of the total discomfiture of General Hull.

The governor (*administrateur*) of Upper Canada, General Brock, crossing the St. Lawrence,* with about 1350 men, nearly half being Indians, and very few of the remainder regulars, appeared

* This must be a mistake, unless the author gives here an unusual extension to the term. Sir Isaac crossed the river Detroit, at Springswells, three miles below Detroit itself, early in the morning of Aug. 16. —*B.*

suddenly before Detroit, where Hull had ensconced himself. The latter, thus taken by surprise, surrendered with his whole force; on condition that the Ohio and Michigan volunteers should be allowed to go home on parole, not to serve against the British while the war lasted. The fort of Detroit, and considerable booty, thus fell into the hands of the British, who also became masters in the whole territory of Michigan for the time.

The American soldiers taken at Detroit were transported to Lower Canada. Brigadier Hull was exchanged, at Montreal, for 30 British, who had been taken by the Americans. No sooner did the unfortunate general reach head-quarters, than he was tried by a court-martial, on charges of treason and cowardice. He was absolved from the former, but convicted of the latter offence, and condemned to be shot. Mr. Madison pardoned him, in consideration of his services during the war of Independence. The annihilation of the American army of the West, dispelled, for a season, the fears of the Upper Canadians, who fully expected an invasion of their country.

While the events above detailed were in progress at the head of Lake Erie, the enemies' forces were assembling for operations meditated on the side of Lake Ontario and that of lake Champlain. One main corps was to act on each of these sides with detachments at intervals between the two, intended to harass the Canadian intermediate frontiers. The two bodies were called by the names, respectively, "army of the centre," and "army of the north." The central army, commanded by Van Renselaer, was composed chiefly of the militias of New York State; it was to invade Canada, between Lakes Erie and Ontario. The northern army, 10,000 strong, under General Dearborn, was to penetrate the district of Montreal.

Van Rensalaer's corps was ready for action early in the fall of 1812. After menacing General Brock for some time in the position the latter had taken up, the Americans succeeded, at daybreak Oct. 13, in gaining a foothold on the heights of Queenstown in the face of a brisk fire from the British artillery, and despite the resistance of a part of the 49th regiment of foot, supported by militia. General Brock, then at Niagara, hearing the cannonade, hastened to the scene of action. Finding the troops in a discon-

certed state, from the frustration of their efforts to prevent the enemies' landing, he rallied them, and, placing himself at the head of the British grenadiers,led them to the charge. He would probably have succeeded in driving the Americans from the heights, had life been spared him; early in the fight which ensued, he was struck in the breast by a ball and mortally wounded. His men, however, continued the contest; but they did not succeed in dislodging the enemy, who were well protected by trees in front of their position, nor could the British afterwards prevent the disembarkation of a second corps of Americans. The former, therefore, had perforce to wait the arrival of reinforcements, then on the way.

These soon came up, led by Major-general Sheaffe. Finding the turn of affairs rather critical, he decided on assuming the offensive as the most hopeful if daring course of action. Leaving a few of his men to cover Queenstown, he made a detour with the remainder, who scaled the neighbouring heights, and got into the rear of the Americans. The savages, being most active, got up first and began the attack, but were repulsed: thereupon the British were led to the charge, and pushed the Americans with such vigour that they were fain to give way, their foes hotly pursuing them. In attempting to gain their own side of the river, many of the enemy perished in its waters. The whole American loss during the fight and after it, dead, wounded, and taken, exceeded 1,000 in number, or fully two-fifths of all those who had as yet invaded Canada on this side.

It appeared that Van Rensalaer, meanwhile, returned to Lewistown to expedite the passage of the river Niagara by the second division of his army, and that the soldiers had refused to march in spite of his solicitations and threats; that, in his extremity, he sent a dispatch to General Wadsworth, at Queenstown, leaving him the choice of remaining or retreating, and offering him the use of bateaux should he accept the latter alternative. Most of the American troops being militiamen, they assured Van Rensalaer that they were ready to defend their country if it were attacked, but had their scruples about invading British territory. We have already seen that a numerous party in the republic was opposed to the war altogether, and its sentiments in this regard supplied motives sincerely, or insincerely called in, to excuse the militiamen

for bringing their leaders to a stand-still. The discomfiture of those enemies who fought, and the shortcomings of those of them who would not fight, were both well calculated to hearten the defenders of this interlacunar frontier of Canada, out of which its assailants were most successfully thrust, at not a tithe of the sacrifice of human life and limb experienced by the invaders.

Gen. Sheaffe concluded an armistice with Gen. Smyth, successor of Van Rensalaer. Smyth seemed to be a leader of more pith than the other, for he made an appeal to the love of glory in the young Americans which enabled him to increase his force, a body now five thousand strong. When ready to act, he proclaimed that the armistice was over, and, early in the morning of Nov. 28, put his army in motion. His vanguard crossed the river Niagara and landed between Fort Erie and Chippewa, forcing a British post at that point; while, on the other hand, Major Ormsby with a few British, quitting Fort Erie, captured some Americans who were descending the stream by its left banks. Smyth's second division marched forward, its leader intending to disembark it at a point two miles above the upper end of Grand Island. But the British were on the alert on that side of the Niagara river. Colonel Bishop arriving with troops from Chippewa, formed a junction with Major Ormsby's party, and had thus a corps of 1,100 regulars, militia and savages, wherewith, to confront the Americans and oppose their landing. As soon as the latter came within gun-range, a hot fire was maintained against them till they turned rudder and fled for it. Three days thereafter (Dec. 1) the enemy made a demonstration as if about to renew the attempt so lately repulsed it. After the Americans were embarked with that intent, a counter-order arrived, and Smyth cantoned them in winter quarters. The checks they previously received discouraged them greatly; and they bitterly blamed their chief, who to escape their censures gave up his command.

Thus ignobly terminated the operations of the "army of the west" and "the army of the centre," sent forth by the federal government of the United States. At no point of attack along the Canadian frontiers did the troops in either strike a successful blow. Those of the American "army of the north," led by General Dearborn, and the most numerous corps of all (being 10,000

strong) had no better luck than the others, as we shall have occasion to see presently.

This large body was stationed along the shores of Lake Champlain. From his head-quarters at Albany, Dearborn moved towards the frontier line, and took up a position menacing to Montreal, and commanding the approach to that city by way of St. John's and Odelltown.

The British commandant of this frontier ran a cordon of military posts all along it, from Yamaska to St. Regis, where the land limit separating the two countries terminates at the St. Lawrence. A select corps of regulars and militia-men under Colonel Young was stationed at Blairfindie (l'Acadie); and the road leading to the frontier, by Burtonville and Odelltown, was cut up and encumbered with felled trees to prevent a surprise, a piece of heavy work executed with promptitude by the light infantry under Major Salaberry. A band of *voyageurs* in the employ of the North-West Fur Company, the men in which had been training for war some time past as light infantry, formed, along with some other French-Canadians, a battalion of rangers.

Concurrently, the Americans, on this frontier of Lower as along that of Upper Canada, showed great hesitation in their movements. After a few petty encounters of outposts, Dearborn, seemingly uncertain what it were best to do, yet at last pushed on a detachment in the direction of a small corps, commanded by Major Salaberry, and entrenched on the banks of the river Lacolle. Early in the morning of the 20th of November, some of the colonel's more advanced men were assailed (before daylight) by 1400 American infantry and a few horsemen, who crossed the river simultaneously at two fording-places, coming in contact with a few of Salaberry's men, whom they made an attempt to surround and capture; the former slipped through their hands, when a confusion of persons and a mistaken appreciation of relative positions taking place among the assailants, one wing of them wheeled round and fired briskly upon the other. Intelligence reaching Salaberry of the enemy's approach, he ordered colonel Deschambault to cross the St. Lawrence and march on the village of Acadie with the militia of Point Claire, of Du Chêne river, of Vaudreuil, and of Long Point. A portion of those of Montreal, horse and foot, crossed the river at

Longueuil and Laprairie: in a word, all the fencibles of the district were hastening to the point of attack. Whether it were that Dearborn was intimidated by those manœuvres, or that he had no view of penetrating further into Canada at that time, he drew off his forces entirely, and cantoned them in or about Plattsburg and Burlington, there to pass the commencing winter.

The Americans sustained better on the ocean than on land the credit of their flag. The British concluded too fast that they had nothing to fear on that element, where they had long been paramount, yet it was precisely thereon that their laurels were somewhat tarnished at this time. The American frigate *Constitution*, of 44 guns, commanded by Captain Hull, captured the *Guerrière*, of 38 guns, after a combat of half-an-hour's duration, in which a third of the British were killed or wounded. The *Wasp*, American sloop-of-war of 18 guns, captured a British brig of 22 guns, after a struggle of 45 minutes' duration; but the captor was itself taken, and the brig re-taken the same day, by a British 74 gun-ship.

Commodore Decatur, in the American frigate *United States*, captured the British frigate *Macedonian* after a contest which lasted nearly two hours; and, some time afterwards, the *Constitution* captured, near San Salvador, on the Brazilian seaboard, the British frigate *Juva*, after 200 of the latter's crew were killed or disabled. These naval successes helped to reconcile the public mind in the United States to the mischances attending the war on land. [The result of various single-ship fights, so advantageous to the Americans, was owing not so much (if at all) to the superiority of the latter, in courage or skill to the British, as to the heavy armament brought into play by the former. The build too of the American frigates (a misnomer, as they were really first-rate ships of the line) was deceptious to the eye, for they lay more flush on the brine than the clumsily constructed British ships of the last age; and as the American war-ships had several cannon of an unwonted range, the fate of most of the British ships that were taken was decided before their crews could get a single gun to bear against a distant enemy who was turning their decks into a slaughter-house.*]

* See Mr. James's *Naval History of Great Britain*, where carefully au-

These victories of the Americans, they had all the more reason to be proud of, as they were due to their sagacity. Great Britain, however, having her attention much taken up, along with that of other European powers, in the war against Napoleon, heeded little those captures of a few of her isolated war-ships of third or fourth class; content as her people were on finding that her colonists in Canada had so well vindicated the supremacy of her flag. Having despatched some further but stinted succour as before, her main strength was strained to the utmost, in order to take a leading part in the discomfiture of Napoleon.

The result of the campaign of 1812, in which the zeal and spirit of the Gallo-Canadian population rivalled British courage and loyalty, was a practical justification of the sage and conciliatory policy of Sir George Prevost. This worthy governor assembled the chambers on the 29th of December. He informed them that, in virtue of the power entrusted to him, he had called out the whole colonial militia; and expressed his liveliest satisfaction at the public spirit, orderliness, firmness, love of country, and respect for religion and the laws, which had been manifested by all ranks of the people. Such a conduct as theirs, he observed, would make their country respected at home and redoubtable abroad.

The discussions of the legislature, this session, were less stormy than was usual of late years, although several questions were agitated, in themselves exciting enough. Thus Mr. Stuart, who had never digested the affront put upon him in the juridical mutations through which he missed the attorney-generalship, and was even deprived of the second charge as a crown law-officer,—ex-solicitor-general Stuart moved that an inquiry should be made into the evils occasioned by delays in the publication of the laws. In a riot at Lachine, the troops fired upon the crowd; he imputed this untoward event to the ignorance of the people regarding the

thenticated data are given as to the tonnage, number of guns and crews, weight of metal, &c., of every ship taken by each party during the war. The largest American frigates, nominally of 44 guns, would have been a match, in *fair* fight, for a British man-of-war of 98 guns.—For the particulars given in the text concerning the real disparity (much understated by M. Garneau) the translator is answerable.—*B.*

new militia act, the stringent nature of which they could not be aware of, as the law had not then been promulgated. Although, probably, Mr. Stuart's aim was less to accuse the authors of the bloodshed, than to embarrass the executive council, the complaint he made was by no means a word out of season. He called also for information why it was, that the judges made rules of court, at their own discretion, for conducting judicial procedure; and which arbitary system had, for a long time, caused great discontent among the clients who came before them. It was this jurisconsult who moved and got carried, after some rather animated debating, a string of resolutions regarding the yet more grave subject of martial law, against the operation of which the public mind was determinedly opposed—the chamber now, at Mr. Stuart's instance, declaring, that martial law could not in future be legally proclaimed in the colony without the permission of its parliament.

The changes demanded by the governor in the militia act were entertained, but fell to the ground ultimately, through a disaccord on the subject between the two chambers; and a bill introduced taxing the salaries of public functionaries for defraying part of the additional state expenditure caused by the war, was thrown out by the council. The legislature and the executive, nevertheless, worked harmoniously together throughout the entire session; and the assembly, on its part, sanctioned a war tax of $2\frac{1}{2}$ per cent. on goods imported by the colonial merchants, 5 per cent. to be levied on merchandise imported by foreign traders. It likewise authorised an increase in the issue of army bills, raising the total amount to £500,000. The assembly also voted a grant of £15,000 additional towards the arming and equipment of the militiamen; supplying a supplementary sum of £25,000 besides, for other expenses occasioned by the war.

CHAPTER II.

CONTINUATION OF THE WAR.—PEACE OF 1815.

1813–1814.

Campaign of 1813.—Operations on lakes Erie, Ontario, and Champlain. —Combat of Frenchtown and of Fort Meigs.—Attack of Sandusky. —Naval combat of Put-in-bay.—Battle of the Thames.—Destruction of the Creek Indians.—Capture of Toronto.—Colonel Harvey surprises the Americans at Burlington.—Black Rock burnt.—Battles of Chrystler's Farm and Châteauguay.—Retreat of the Americans.—Surprise of Fort Niagara.—Lewiston and Manchester burnt.—Operations on sea.—Parliamentary proceedings at Quebec.—Judge Sewell, put under accusation, goes to London to defend his conduct.—He suggests a union of the two provinces.—Campaign of 1814.—Combats of Lacolle, Chippawa, and Lundy's-Lane.—Attack of Fort Erie.—Defeat of Drummond.—Expedition of Plattsburg.—Ravages of the American seaboard by the British.—Washington taken, and its Capitol burnt.—Battle of New Orleans.—Cessation of hostilities.—Treaty of Ghent. —Sir George Prevost's conduct at Plattsburgh being called in question, he repairs to England to justify it—and dies.—Vindication of his memory.

Notwithstanding the checks which the Americans received in their first Canadian campaign, they did not despair of succeeding in another, for which they made more extensive preparations than last year, intending to act vigorously in the present; but upon another system than before. So far, the plan adopted was similar, that three distinct corps were to act simultaneously. One, called "the army of the west," under General Harrison, was charged to operate in the region of Lake Erie; "the army of the centre," confided to Dearborn, was directed to assail the Canadian frontier lines of Niagara and the Ontario lake-board; General Hampton, with an "army of the north," undertook to invade Lower Canada.

After Hull's disastrous expedition terminated, the American militias hastened to their places of rendezvous for the defence of the frontiers, which, it was apprehended, would be further invaded by the Canadian forces; and to force the latter to relinquish the

foothold they had obtained on Michigan territory. In that view, Harrison assembled his forces at the head of lake Erie, with the intent to expel the British from Detroit, and attack Malden, a little lower down on the upper shore of Lake Erie (northern or Canadian side). General Winchester set out, early in January 1813, with 800 men, for the Miâmis river, whence he sent a party to Frenchtown, thirty miles further on. This detachment routed a few British soldiers and savages, and took possession of the village. Intelligence of this expedition reaching General Procter, then at Malden, he resolved to set out in pursuit of the Americans, hoping to rout them before the main body of their force could come up, which was then following, but at three or four days' distance. Assembling 700 military and 600 Indians, he suddenly appeared before Frenchtown, Jan. 22. Without giving the Americans time to recover from their surprise, he assailed them, before daybreak, in the houses of the place, where they had barricaded themselves, determining to sell their lives dearly, as they apprehended being victimised by the savages if they surrendered. Early in the assault, Winchester himself was captured by the chief of the Wyandots, who turned him over to General Proctor. The American general being advised that all further resistance was hopeless, and that his soldiers would be burnt out of their fastnesses if they did not yield on promise of obtaining quarter, he transmitted orders to them to accept the terms offered; upon condition, however, that they should be protected from the savages. The safety of all was not secured however; as in truth, it was never easy to do on such occasions. In spite of all the efforts of the British officers to prevent it, these wretches massacred many of the more helpless wounded Americans, demanded heavy ransoms for some of their other prisoners, and reserved others for torture. The men of the States complained indignantly (as well they might!) at this violation of the terms of capitulation, stipulated for by their unfortunate compatriots. The capture of the place was effected with the loss of 500 men, killed or disabled; the Americans losing about two-fifths of their whole number, besides those taken prisoner.*

* The author stated in a short sentence we overlooked in his account of the battle of Queenston (p. 184, *ante*), that several of the vanquished

General Harrison, learning that Frenchtown was re-taken by the British, retrograded from his resting-place on the Miâmis river, fearing to be encountered by Procter; but hearing, soon thereafter, that the latter had returned to Malden, he retraced his steps, and, with a force 1,200 strong, constructed an entrenched camp on the banks of the above-mentioned river; to which camp he gave the name of Fort Meigs, in honour of the governor of the state of Ohio. Here he intended to remain till reinforcements which he knew or supposed were on the way should reach him; while Procter on the other hand, taking time by the forelock, suddenly appeared before his lines, and invested them forthwith. May 5, the American General Clay, who came up with 1,200 Kentuckians, possessed themselves of the British batteries erected on the western side of the river, the garrison of the fort simultaneously making a sortie. But Clay, in venturing too far in pursuit of some retreating Indians, was, in returning, attacked by Procter; and, after an obstinate contest, 500 of his men surrendered to the British.

Notwithstanding this success, the auxiliary savages of Procter's corps, wearied of their inaction during the siege operations, despite all the efforts of their famous chief, Tecumseh, to retain them, left the scene of action; and their departure constrained Procter to leave also, for a time, and retire with his men to Malden.

Some time afterwards, however, he returned, with a force about 4,000 in number, but of which 3,500 were savages, led by Tecumseh. Harrison was then posted on the banks of the river Sandusky, waiting the appearance of an expected flotilla, under the command of Captain Perry, which was intended to second his own offensive operations on the Canadian lakeboard. Meanwhile, Procter, on his arrival near Fort Meigs, finding on trial

were similarly immolated upon that occasion; but in no American account of the battle (Oct. 13, 1812) within our immediate reach, do we find mention of so saddening a circumstance, and therefore hope that it is incapable of authentication. But it is a subject of eternal regret to every *True* Briton, that those biped bloodhounds should have run under the shadow of our standards so long and so late.—*B.*

that it had been so strengthened as not easily to be carried by assault, renounced his resumed siege of the place, after a few days' waste of time and labour; and advanced against Sandusky, a little lower down lake Erie. After breaching the wall of the fort there, Procter formed an attacking column, 500 strong, and put it in charge of Colonel Short, with orders to assault the works. This was met, on its approach, by a murderous fire from the besieged, which threw the forlorn hope into disorder for a few moments. Recovering breath and spirit, the advanced ranks cleared the ditch and were mounting to the breach, when a cannon of large calibre, (doubtless loaded to the muzzle with grape-shot) pointed so as to enfilade the whole force on that side of the fort, was suddenly fired with the most sweeping effect. The mass of the advancing column, staggered by this discharge, became indisposed to proceed, left the more advanced men unsupported, and finally retired altogether, leaving the latter (100 in number) to their fate. In consequence of this repulse, General Procter, no longer able to cope with Harrison should he come up in full force, judged it proper to retreat.

The hostilities adventured, on either part this year, had as yet led to no permanent results; both parties waiting the construction and equipment of armed vessels, wherewith to contend for supremacy on the Lakes. The British flotilla was the first of those got ready for action; the home government having sent out, during the winter, a body of seamen and marines, of the royal navy, with the proper officers. These, on their arrival at Halifax, were despatched, overland, first to Quebec, and thence to Kingston. In spring, 500 more arrived, along with Sir James Yeo, who was charged with the chief command of the coming operations on the lakes. The direction of the flotilla on lake Erie he confided to Captain Barclay, who, with six vessels, carrying in all 63 guns, was despatched to attack or blockade Commodore Perry, who with nine vessels, carrying 54 guns, was lying in the harbour of Erie (*Presqu'île*); from which the latter could not get out, owing to the shallows of the locality, with the armament of his vessels on board. Taking advantage, however, of a temporary absence of the British flotilla, Perry contrived to surmount this difficulty, and, ascending the lake, got between the British land-

force and the vessels that were acting as their store-ships. He had now to encounter Captain Barclay, sent to the rescue. A decisive engagement took place, on the open lake, between Sandusky and Malden, on the 10th of September. At first, the wind was very light; and Perry, advancing unsupported, his ship being exposed to a heavy and disabling fire from the long guns of one or more of the British vessels, she was crippled before others of the American flotilla could come up, and he was obliged to abandon her. A breeze springing up, favourably for the Americans, the latter out-manœuvred their adversaries, contrived to overpower the British vessels in succession, and captured them all. The absolute mastery of Lake Erie, of course, now remained with the enemy.

General Procter, a leader of more courage than conduct, now became aware of the error he committed in departing from the rule which had been laid down, of making provincial war defensive and not offensive, for a time at least. By invading the enemy's territories without a sufficient force, it was certain that, sooner or later, the safety of Upper Canada would be compromised; for, whatever conquests could be made beyond our own frontiers, would not be durable. As soon as Barclay's flotilla passed into the enemy's hands, the retreat of the British land-force became urgent. Accordingly, Procter abandoned, precipitately, Detroit, Sandwich, and Amherstburgh; thence he passed, by the river Thames, towards Lake Ontario, when he was brought to a standstill there, by the appearance of an American force superior in number.

After his victory, Commodore Perry, having taken on board his vessels and prizes the land-force under Harrison, disembarked it at Malden; ascending thence to Sandwich, the Americans reached the latter place just as Procter was leaving it. Harrison, without losing a moment, went in pursuit; and, on the 4th of October, the American van attained the British rear-guard, which, not being strong enough to protect the stores and warlike munitions of the second division of the army, they fell into the enemy's hands.* Procter,

* It is said that Proctor manifested, in these operations, no one quality of an efficient general. Major Richardson, then one of his subalterns, accuses him ("Eight Years in Canada") of something like poltroonery; and of his having more regard for the luggage of himself and the mess

thus hard pressed, decided on fighting, and to take his chance of the issue. Next day (Oct. 5) he drew up his forces in battalia, near Moravian-town, his right flank resting on the river Thames, his left on a morass, the faithful Tecumseh placing himself at his side with his people.

Harrison disposed his men in two lines, and began the attack with cavalry. The horsemen of Kentucky, accustomed to wooded and marshy country, charged Procter's soldiers with so much vigour and effect, that they broke rank, and fell into complete rout. Most of them afterwards laid down their arms. The savages alone continued to fight, holding their ground long and courageously, but at last had to flee before the enemy, after seeing their chief laid prostrate on the field of battle. The fidelity of Tecumseh to British interests, his eloquence, his influence over the tribes of the north-west, all conjoined to make his name remembered, as the hero of the campaign of the year 1813. According to the official returns, there were killed, wounded, or missing in the retreat and in the action of October 5th, 564 of the British, including 28 officers. On the same authority we state, that the wreck of Procter's corps, when asssembled at Ancaster, Oct. 17, mustered 228 privates or non-coms, and 18 officers.

The disastrous battle of Moravian-Town broke the confederation of savages formed by Tecumseh against the Americans, put the latter in repossession of Michigan territory, and ruined Procter's reputation as an officer. The present calamity brought other evil effects in its train. The Creek Indians, taking up the war-hatchet, made an irruption into the settlements of Alabama, and slaughtered 300 men, women and children; they were following up this massacre by ravagings, when they were encountered by General Jackson, with the militia of Tennessee, who surrounded a band of their warriors, 200 strong, and cut them in pieces to the last man. He afterwards defeated the whole armed strength of their nation, in fight at Talladega, &c., and finished by cooping up the remnants of their people, young and old, male and

impedimenta than for military glory, or the safety of his men. Tecumseh, who fought like a lion against desperate odds, became the victim of Procter's ineptitude.—*B.*

female, including children, to the number of about 1,000 souls. Finding them entrenched on the river Tallapousa, at Horse-Shoe-Head, Jackson carried their stronghold by assault and killed nearly all within it. The annihilation of the Creek race was the last blood-shedding in the West.

While fighting was in progress on this side, it was also proceeding on the lakes, but with less determinate results. The operations of the respective armies, on the frontier of Niagara, and that of Lake Ontario, were signalised by a series of isolated combats, which it would be a waste of time and paper to particularise; this we say the rather, as they seem to have resulted from no pre-arranged plan of campaigning on either part: the contest assuming the appearance of a partisan war, eventuating in nothing more respectable than of repetitive and bootless slaying, wounding, and ravaging.

General Prevost left Quebec in mid-February, 1814, for Upper Canada. In passing to Prescott, he allowed Colonel Macdonell to make an assault on Ogdensburg, then a large village, on the opposite bank of the St. Lawrence. The attack was successful; the colonel capturing some artillery and small arms, and setting fire to a number of craft, there laid up for the winter.

General Dearborn was then preparing, at Sackett's-Harbor, an expedition against Toronto, at that time the capital of Upper Canada, and the locality of the chief magazines of the British forces. April 25, 1,700 Americans embarked in Commodore Chauncey's vessels, and were landed, two days afterwards, near Toronto. General Sheaffe tried to prevent the entry of the enemy to the bay, but was driven back with much loss of his men. A division of the Americans, led by General Pyke, using the great guns of the flotilla, cannonade the work which protected the town; and, at the moment that Pyke's men were in the act of assaulting, the powder-magazine blew up, sending 200 of them, with the general himself, into the air. This startling accident, however, did not prevent the place being taken, in which the captors found considerable spoils of war.

Dearborn, willing to follow up his success, resolved to attempt the capture, likewise, of Fort George, at the head of the lake. He moved his forces to Niagara, sent the flotilla to Sackett's Har-

bor to be reinforced, and, in concert with Chauncey, beleaguered the fort by land and water. General Vincent, the commandant, stood a three days' cannonade, and made a spirited sortie; but finding his force diminished by 400 men, killed, wounded, or missing, he judged the place no longer tenable; so, after dismantling the defences, he blew up his magazines and retreated to Queenston. He then drew to himself the soldiery stationed at Chippewa and Fort Erie, destroyed the other British outposts still remaining in that part of the country; and, with his collective force, took the road to Burlington heights, followed by a corps of Americans.

Concurrently with these operations at the head of Lake Ontario, General Prevost and Sir James Yeo concerted an attack on Sackett's Harbor, during the absence of the enemy's flotilla. One thousand of a land-force were put on board Yeo's flotilla, which reached its destination on the 28th of November. That day, the British captured a convoy of barges, freighted with troops; but, injudiciously, the commanders waited till the next to assault the place: this allowed the enemy time for obtaining reinforcements, and barricading the approaches to the harbor. The assailants were therefore repulsed in their attempts at landing; but they succeeded, afterwards, in disembarking at some distance from the town, despite a heavy fire kept up against them by the Americans, before they retired behind the abattis which they had ranged as a line of defence.

The support of the armed vessels was indispensable to the land-force in its operations, and it so happened that the flotilla was distant, there being little or no wind. Braving all risks, however, the soldiers fixed bayonets, and set to clearing the woods of the skirmishers they screened. They even reached the defences which covered the enemy, composed of redoubts and bastions, but which Prevost hesitated to confront without the help of the artillery of the flotilla. In effect, an assault so unaided, even if it succeeded, would have been too sanguinary, had the enemy made the least resistance, posted as they were; but the latter, concluding all was lost, set fire to their magazines, hospitals, barracks, &c., and left the whole place in a state of irredeemable conflagration. The victors returned to Canada empty-handed.

We have just seen, that General Vincent took his way towards Burlington heights, with the Americans at his heels. When the atter arrived, they encamped near the British position. One of Vincent's officers, named Harvey, persuaded his chief to let him attack the enemy by surprise, 700 men being put at his disposition for the purpose. During the night of June 5–6, he fell upon the American's camp suddenly; drove them out of it, and took several prisoners, including Generals Chandler and Winder. This successful enterprise was executed with as much coolness as its conception was daring, and redounded greatly to the credit of its author.

The Americans had to endure some immediately succeeding reverses. Thus before the month ended, the chief of one of their battalions, thinking his men were surrounded by a superior force, surrendered at discretion to lieutenant Fitzgibbon, posted with a party a few miles from Queenston. Next month (July), Black-Rock was surprised and burnt by the British, but cost his life to Colonel Bishop, who headed that daring enterprise.

The strength of the respective flotillas on Lake Ontario being nearly equal, their commanders avoided a general action, each watching an opportunity to gain an advantage over the other by a chance capture of one or more vessels. After several isolated attacks of this kind, the belligerents encountered each other, in collective strength, on the 28th of September, before Toronto; when, after a combat which lasted two hours, Sir James Yeo was beaten by Commodore Chauncey, and obliged to take shelter under Burlington heights. Nearly about the same time, General Vincent,—then investing Fort George, into which the Americans surprised at Burlington by Harvey, had retreated,—learning that Procter had been routed at Moravian-Town, immediately drew off his forces, and went to the relief of the scattered corps of British. He afterward retired into the fortified lines of Burlington, where the American generals, McClure and Porter, did not think fit to attack him.

The second year of the war was now drawing to a close; and pausing at this point of time, we may inquire, what progress had been made by either of the invading parties, beyond the frontiers of the other. After a multiplicity of combatings, the number of

which perplexes a narrator to detail, and the aims of which were inscrutable, the result, as regarded Upper Canada at least, was slightly favourable to the American cause, and that is all that can be said. If the British flotilla was forced to renounce the supremacy of the lakes, if the Americans did possess themselves of the Niagara frontier, their generals, finding their forces unequal to complete the task they undertook, had resigned their command. The previous secretary of war at Washington was replaced by General Armstrong, without any amelioration of that department of state, while the success of the British armies in Lower Canada, completely counterbalanced the checks which they had received in the upper province; and the invasive bands of the enemy were thrust back upon their own territory, after sustaining serious loss.

The American generalissimo, in pursuance of the plan he had formed for operating against Lower Canada, resolved to combine his army of the Centre with that of the North, then direct it on Montreal, and next on Quebec. Gen. Wilkinson, who commanded the central army, assembled his soldiers, about 9,000 in number, at French Creek, 20 miles below Sackett's Harbor, on the St. Lawrence; embarked them in barges, and made them descend that flood under protection of a flotilla and a large detachment of troops which followed by land, on the Canadian side, in order both to support their comrades and clear the river banks.

Gen. Rottenburgh, who held command in this part of the country for Britain, and who thought, at first, that the embarked Americans intended to attack Kingston, caused Col. Morrison to follow them with 800 men and some gun-boats. Wilkinson landed, with part of his force, above the Long-Sault rapids; whence he continued his route by land, under protection of a rear-guard, led by Gen. Boyd. Reaching Chrystler's Farm, mid-way between Kingston and Montreal, and finding Morrison pressing upon him, Wilkinson halted and offered battle, which was not refused by his pursuers. The combat took place on the 11th of November, and lasted two hours; the conclusion of which was, that Morrison's men defeated 3,000 Americans, four times their own number, and including a regiment of cavalry. This master-stroke reflected much honour on the British soldiers and their leader, but did not prevent the enemies from holding on their way. Next day, Wil-

kinson's whole strength rendezvoused in Cornwall and St. Regis, at the foot of Long-Sault, where they halted, upon learning the result of the battle of Châteauguay and the retreat of Gen. Hampton, who was previously marching upon Montreal by way of Lake Champlain.

The latter corps, or "army of the north," had remained inert during most part of the summer.

In the month of July, the British colonel, Murray, had made an irruption, with 1,000 men, into Hampton's neighbourhood. Murray set out from the Isle-aux-Noix with a small flotilla, ascended Lake Champlain, burnt the barracks, arsenals, and public edifices of Plattsburgh, Burlington, Champlain, Swanton, &c. and returned in safety, after spreading terror in every part of the adjoining country.

September arrived, however, before Hampton decided upon a course of action; but he had scarcely moved towards the Canadian frontier when his further progress in that direction was arrested by Colonel Salaberry, charged to resist his entry to Blairfindie (l'Acadie) with 600 men only. After several skirmishes, the Americans, not caring to venture a general engagement in the woods, retired to Four-Corners, where Salaberry surprised their camp in a reconnoisance which he made with 200 light infantry (*voltigeurs*) and 150 savages, and threw the enemy into a state of the utmost confusion.

But it was urgent that Hampton should bestir himself in order to form a junction with Gen. Wilkinson, who was coming down. The frontier road to the village of Acadie had been made purposely impracticable. To get over this difficulty, he took a roundabout way; namely, by the head-waters of the river Châteauguay, so as to get near the corps he wished to join. The chances of his taking that route, however, had been taken into account, and provided for; accordingly, he found his way barred by defensive works, while General Prevost was in position, with a force, at Caughnawaga, strong enough to oppose the junction of the two American corps.

As soon as intelligence arrived that the latter were in motion, Prevost confided the command of the troops in Upper Canada, to Gen. Rottenburgh, and descended to Montreal, to confront the

enemy on that side. At his call a part of the militia of the district joined him, and the rest got ready to repair to any threatened point as soon as need were.

On the 21st October, Hampton's vanguard drove in the outposts of the British on the Piper-road, thirty miles above the church of Châteauguay. Forthwith Major Henry, in command of the Beauharnois militia, sent word to General Watteville, and ordered captains Lévesque and Debartzch to march, with their companies and 200 militiamen, from Beauharnois. These officers halted about two leagues from the latter, at the entry of a wood not easily penetrable, and of course useful as a place of covert. Next morning, they were joined by Colonel Salaberry, with his light infantry and a militia company. The colonel, now taking chief command of all the force, ascended the Châteauguay as far as to the farther end of the wood, where, he knew, was an excellent defensive position, the territory being rugged, and intersected by deep ravines. Taking up his ground, he there erected a triple-lined field-work, the lines of abattis having each an interspace of 200 yards; while a fourth line was run across, half-a-mile in the rear, to defend a ford the enemy was expected to take. A whole day was passed by the men in forming these lines, the first of which had the form of an obtuse angle, on the right side of the road, and following the bendings of a ravine.

The position thus taken up and strengthened, forced the Americans to pass through a desert country, and at a distance from their supplies; whereas the soldiers charged with its defence had theirs at hand, and were well supported behind in other respects.

The right bank of the river was clothed with thick woods; therein a strong piquet was placed to command the ford above-noted. Colonel Salaberry caused all the bridges, for a great space in front of his position, to be broken down; the trees, also, growing between the river and a morass beyond the plain in front of his position, he ordered to be felled: his aim being to prevent, or obstruct at least, the passage of the artillery with which, he knew, the enemy was provided. He had scarcely completed these preparations, which were highly approved of afterwards by General Watteville, when the Americans appeared, led by Hampton, and 7,000 strong; while the whole force present to encounter them,

was composed of 300, a few Highland soldiers, and some armed Indians. But their leader was an officer of approved skill and bravery. Colonel Salaberry, who entered the British army at an early age, had served eleven years in the East Indies, and was present at the siege of Fort Matilda by Gen. Prescott, where, though at that time only 16 years old, he was charged to cover the evacuation of the place. He distinguished himself, in command of a company of grenadiers in the expedition to Martinique, in 1795. He served, likewise, as aide-de-camp to Gen. Rottenburgh in the Walcheren expedition, and held the post of honour with the light brigade, during the siege and at the capture of Flushing. Returning to Canada as a staff-officer under Gen. Rottenburgh, shortly before war broke out in North America, he was chosen by Sir George Prevost to raise a regiment of light infantry (*voltigeurs*) among the French-Canadian populations; a task which he accomplished most successfully. That fine body of men, organized and disciplined at short notice, became a corps distinguished ever afterwards for its constant successes in battle, and served as a military exemplar for all other Canadian soldiery.

Hampton divided his army into two corps. The first of these, composed of cavalry and infantry, and supported by 2,000 others, at a small distance behind, was drawn up so as to confront the position of the Canadians on the left bank of the river. The second corps, 1,500 strong, led by Colonel Purdy, was directed to operate on the left bank of the stream, so as to turn Salaberry's flanks, as soon as a fording took place. Three companies of voltigeurs, with some militiamen and savages, protected his front, in advance of the abattis, one extremity of the line resting on the river margin. Three more companies, with the Highlanders, were distributed between the interspaces, behind the abattis.

Hampton pushed forward a strong column of infantry, at the head of which was a tall officer, who hailed the men of our nearer ranks, in French, calling out to them, "Brave Canadians! surrender yourselves: we wish you no harm." The only reply was the discharge of a musket levelled at him, followed by his fall; which became the signal for a well-sustained fire along the whole line. The American general, finding that he could not reply to it continuously but at a disadvantage, changed his tactics and endeavoured

to force the defences of our troops by vigorous charges with sword and bayonet. This plan failed, however, although it was tried sometimes at one point, then at others; and after incurring a great loss of men, he thought fit to draw off his attacking column.

Meanwhile, the noise of the combat in progress attracted the attention of Colonel Purdy and his men, who, while operating on the other side of the river, had lost their way. So soon as the Colonel had regained the right road, and found himself in front of enemies, he attacked and drove them back, by the crushing superiority of numbers. It was at this crisis, when the firing of the repulsed main body of the Americans had all but ceased, and Hampton was in full retreat, that Salaberry seeing matters had suddenly become serious, placed himself at the head of the troops ranged *en potence* along the river, and directed with his voice the movements of those whom he had posted beyond. Purdy's men still advancing, Salaberry's opened upon their flanks so murderous a fire, that they were fairly staggered, next fell into disorder, and then retreated precipitately.

The combat lasted four hours in all. Hampton, imagining the Canadians to be far more numerous than they really were, concluded to give up contending with them: thus did a handful of men, from 300 to 400 in number, discomfit an army of enemies 7,000 strong.

General Prevost, along with General Watteville, arrived on the scene before the action was quite terminated. They praised the Canadians for the courage they had manifested, and complimented their commander for the judicious arrangements he had made. So great was the ardour of some of our men on the occasion, that they swam across the river, during the firing, in order to force the Americans to surrender.

After his defeat, Hampton's army, harassed in its retreat by the Canadians, retired first to Four-Corners, and finally to Plattsburgh, where it took up winter-quarters. The victory of Châteauguay, without being a sanguinary defeat for the Americans, the number of the victors being too small for such a result, had in other regards the effect of a considerable battle gained over the enemy.

General Wilkinson (as we have already narrated) on hearing the unwelcome news of Hampton's repulse and retreat, held a council of war, to take counsel as to what ought to be done. His troops at that time were stationed at Cornwall and St. Regis, on the St. Lawrence upper river-board. The agreement come to was, that the intended descent on Montreal should be abandoned; and the troops be borne across to the American side of the flood, and there be cantoned for the winter. Thus did the fortunate resistance of a few militia companies cause the retreat from our country of an army over 15,000 strong, and rendered abortive the best-concerted plan as yet formed, by the strategists of the United States, for the conquest of Canada. Colonel Salaberry received special thanks for his admirable conduct in the affair, from the commander-in-chief, and from the two chambers in session; he was also decorated with knightly distinctions by the Prince Regent of Great Britain. The militiamen, too, had their merits acknowledged by a presentation to them of new regimental colours.

The invasion of Lower Canada having been thus far unsuccessful, our soldiery in the Upper Province assumed the offensive as the Americans were about to evacuate it. General Drummond, who succeeded to Gen. Rottenburgh as commandant there, ascended with a force to the head of Lake Ontario; and at his approach, the American General McClure evacuated Fort George (in December), burning the village of Newark when on the way to his own country. Drummond resolved to avenge the colony for this unprovoked act of barbarity. Colonel Murray, at the head of 5 or 6 hundred men, surprised Fort Niagara, took 300 prisoners, and captured a large quantity of artillery, small arms, &c. General Riall followed, in support of Murray's operations, with two regiments and a band of western savages. Riall, by way of reprisal for the conflagration of Newark, left the frontiers on the American side at the discretion of his Indians, who burnt Lewiston. Manchester, and all the country around, were burnt or devastated. Two small towns, Black Rock and Buffalo, were also, after a combat for their possession, fired by incendiary hands. This (savage) expedition terminated the hostile operations of 1813; which were alike unfavourable to the Americans, in the aggregate, on land and sea.

Thus, on the ocean, after several trials of prowess and skill between ship and ship, the republicans, not having a sufficient force to cope with a British fleet, saw several of their bravest captains laid low in such naval-duels: thus did they lose, this year, the gallant Lawrence, who was killed in the famous combat between the *Chesapeake* and the *Shannon*, the former frigate being taken by boarders from the latter, in full sight of the Bostonians. British squadrons, this year too, ravaged parts of the American seaboard mercilessly, especially the shores of the Chesapeake, and extended these coasting depredations as far as the shores of Virginia.

The armies which had been operating along the Canadian frontier, being now in quarters for the winter on both sides, General Prevost repaired to Quebec to meet the chambers, which had been convoked for January 1814. Dissentiment between the assembly and legislative council, which the excitement of actual war had superseded for a time, now, that the safety of the colony was pretty well assured, resumed its accustomed course by degrees, and at length became more decided than during the preceding session, despite the efforts of the governor to reconcile contending parties. The assembly-men, with whom the latter had much influence, sanctioned, upon a confidential message being sent to them soliciting supplementary supplies, an extension of the issue of army-bills he before allowed, to a total of £1,500,000, in order to defray war costs. The bill for excluding the judges was taken up and passed by the assembly, but thrown out by the council, which also quashed two other projects laid before them: one, which imposed a special tax on government functionaries; and another, authorizing the appointment of an agent for the colony, to reside in London and defend its interests at head-quarters.

Mr. Stuart, from his place in the legislature, formally accused Judge Sewell of having unconstitutionally usurped parliamentary authority, by imposing discretionary rules of procedure; he also charged him with having advised Craig to dissolve, arbitrarily, the chambers in 1809, and to address an insulting discourse to the people's representatives at the same time; he likewise alleged, that the judge had deprived him (Stuart) of his office as solicitor-general, merely to give the place to his own brother, Mr. Stephen Sewell. Further, he charged Judge Sewell with violating the

privileges of the house, and tampered with the freedom of elections, by imprisoning Messrs. Bedard, Blanchet, Taschereau, (all three assembly-men,) and M. Corbeil, under a (trumped up) accusation of high treason. Finally, Mr. Stuart accused Judge Sewell of having employed an Irish adventurer (John Henry) as an emissary, to undermine the American Union, and induce certain of its States to form an alliance with Canada against their other compatriots.

Judge Monk, of Montreal, was also accused, at the same time, of divers malversations.

All these grave imputations, truthful for the most part, were entertained by the chamber, and embodied in an address from the chamber to the regency, being sanctioned by a great majority of votes. Mr. Stuart himself was nominated to take the document to London, and there sustain the accusations it contained. M. Bedard was the party first pitched on for this purpose; but as he had judicial functions to discharge, the former jurisconsult undertook to defend the representations made. The governor promised to transmit the address himself; but he informed the assembly that he could suspend no judge from his functions at the request of one chamber only. A requisition, accompanied by an expository memorial of grievances experienced at the hands of the executive,—a paper emanating from the people,—was sent at the same time to the Prince Regent.

Judge Sewell went to London to defend himself; while Stuart was prevented from going thither to confront him, because the legislative council refused to sanction a grant of money, accorded in assembly, to pay his expenses. The accusations against the two chief colonial judges, came to nothing. Sewell, backed by the personal influence of Prince Edward (father of her present Majesty), gained the good graces of Lord Bathurst, to such an extent, that not only were the explanations of his conduct accepted, but he was officially and even earnestly recommended to the favor of Sir J. C. Sherbrooke, when the latter was made governor of Lower Canada, two years afterwards.*

It must be allowed that Judge Sewell was a polite, grave, and

* Earl Bathurst to Sir John Coape Sherbrooke; letter dated May 6, 1816.

supple-backed personage, and well filled to play the part assigned to him by the ministry of that day. Although he was the most dangerous enemywhich the Gallo-Canadians had,he was always very affable to them personally. What the Tory cabinet, then supreme, wanted, was a man who should disguise its (despotic) polity while taking the lead in the party opposed to the people's representatives. This party he directed, in both councils, till the end of his career. This influence was especially strong in the legislative council, where his counsels caused several patriotic measures, originated in assembly, to miscarry.

While in England, Judge Sewell found no means better fitted, in his idea, to avenge upon the Canadians the accusations made against himself, than to revive the proposals of Craig to annihilate their nationality. Finding that these met with no acceptance, he advised that an incorporating union of all the North British provinces, Lower and Upper Canada, &c., should take place, under one governor, and with a legislature common to all. He impressed on Prince Edward the desirability of such a union, and advised him to use his influence with the ministry to bring it about. In the appendix to Lord Durham's Report on Canadian affairs, may be seen a letter from the Prince to Sewell, in which he engages to communicate to the cabinet the suggestions of the latter on the subject, as soon as opportunity would allow. Sewell proposed to establish a chamber of thirty members for the five or six provinces; and, in the cover enclosing a memorial on the subject, transmitted to the prince for presentation, he enjoined the latter not to tell Lord Bathurst who was its author. When the union of the two Canadas did actually take place, the vengeance of Judge Sewell must have been satisfied; though this satisfaction did not come to console him till late in the day, for he was an aged man when the act was consummated: yet it must have been gratifying to a mind like his, to have lived long enough to see the people, whom he hated so much, doomed to wither under the supremacy of an alien race!

As soon as the session closed, the governor busied himself in making preparations for the campaign of the year. While thus engaged, a barbaric embassy, composed of chiefs of Indian tribes of nine or ten of the western savage nations, arrived in Quebec.

Sir George received them, with vice-regal state, in the castle of St. Louis. These envoys demanded arms, on behalf of themselves and their savage constituents, and vestments for the women and children of the tribes devoted or inclined to the British interest. "The Americans," said they, "every day are dispossessing us of our lands. They have no pity for us: they are bent on thrusting us into the far regions of the setting sun." They were exhorted to adhere to the British side; the governor expressing, at the same time, deplorations at the loss of Tecumseh and other faithful chiefs who had died for Britain. Finally he dismissed them, but not without a load of presents.

The defeat which the Americans sustained at Châteauguay, did not extinguish their hopes of obtaining a footing in Lower Canada. They made a renewed attempt, in that view, late in the winter-time. General Macomb, with a detachment, left Plattsburgh, crossed Lake Champlain on the ice, and advanced to St. Armand, where he waited to be joined by troops under General Wilkinson, intending to move upon Odelltown and the mill of Lacolle. Accordingly, after the union took place, the conjoint force advanced to Odelltown, and took possession of it without resistance. March 30, the Americans advanced towards Lacolle mill, where were posted some voltigeurs, fencibles, &c. These made so determined a resistance, that after a cannonade of 2½ hours' duration, the assailants gave up their attempt, and returned to Plattsburg.

After this all but abortive expedition, the Americans modified their plan of operating; and renouncing, for the present, any further attempts on Lower Canada, they determined to direct their hostilities against the upper province, which it was easier for them to invade. But this plan, if it were more easy to carry out, was also less fruitful of results. The enemy's enterprises had ended hitherto, either in repulses or in ephemeral successes; while the latter had been obtained with much bloodshed, and been accompanied by ravagings severely avenged; all having little or no influence in bringing about a decisive result for the cause of either of the belligerents.

The American leaders having withdrawn their chief corps from the frontier of Lake Champlain, they moved them towards Lake Ontario, intending to bring the land-force into action as soon as

the flotilla laid up in Sackett's Harbour could operate therewith. The stores of the enemy being located at Oswego, General Drummond, British commandant in Upper Canada, resolved to capture or destroy them, if possible, and thus retard the departure of the hostile vessels. With that intent, he embarked a body of troops at Kingston; and, May 5th, arriving before Oswego, he next day attacked the place, and after a fight succeeded in burning the fort and magazines. The Americans, however, saved most of their naval stores, having found time to remove them some distance up the river to a place of security; the end of the expedition, therefore, was but indifferently attained.

Drummond now proceeded to take command of the British forces at the head of the lake. In his disposal of them afterwards he committed the fault of dispersing them in parties so far apart, that hours had to pass before any two or more of them could be brought together, upon an emergency. The American generals, Scott and Ripley, posted on the opposite shore, taking advantage of this error, crossed the flood with 3,000 men, and took Fort Erie by surprise. Next day, they marched to attack the entrenched camp of general Riall at Chippawa, a short distance above the Falls of Niagara. The British, although few in number, were led out by their commander to fight the enemy in open field. The combat that ensued was obstinate; and Riall, finding that he could not maintain his ground, after losing many of his men, retired within his lines for a short time, and finally retrograded towards Burlington heights. The Americans followed him as far as Queenston, and then took the road to Chippewa. Riall also began retracing his steps; but when the retiring Americans reached Lundy's Lane, near the lately contested field, they turned round and offered battle. Riall declined the offer and was about to retreat, when General Drummond came to him with 800 men, and took the chief command. He determined to make a stand; but before he could put his troops, fatigued with their march, along with Riall's men, in proper order, he was attacked at a disadvantage by the Americans, and his left forced to fall back, but not in disorder; and the General coming up, ranged the men *en potence* along the roadway, supported by the central corps, posted on an eminence, upon which the British artillery was placed, and kept

up a deadly fire on the enemy's masses as they advanced. The American leaders, seeing that they must perforce retreat if their adversaries' guns played much longer, threw their whole strength against this key of the British position, advanced determinedly, and, after a desperate struggle, succeeded in silencing some of the cannon; the artillerymen keeping up their fire to the latest moment, and getting bayoneted at the side of the pieces they had so effectively served. Nightfall now arrived, and a scene of great confusion ensued, several strange mistakes occurring; such as the parties' exchanging pieces of artillery during the charges made, on one and the other part, during succeeding hours of obscurity. At nine P. M. the firing ceased for a short time; and the rear-guard of the Americans, which had not till then come up, now took its place on the field. The British, also, almost at the same instant were joined by a reinforcement of 1,200 men; when, by a kind of tacit agreement, the combat was resumed with greater obstinacy than before. About midnight, however, the Americans, despairing of being able to maintain themselves on the height which it had cost them so much to gain a temporary mastery of, gave up the contest, after it had lasted six hours, and retreated to their camp beyond the river Chippewa.

In the darkness and disorder, General Riall, who had been dangerously wounded, got among the enemy's cavalry, when trying to get into the rear of his own army, and was taken prisoner.

Next day, the Americans threw into the Niagara a great part of their baggage and stores, set fire to Street-Mills, destroyed Fort Chippewa, and retrograded to Fort Erie.

The loss of men, on both sides, was considerable, and almost equal; say about 1,500 in all killed or wounded, Americans and British. General Drummond received a severe hurt in the neck; which, however, he concealed from his men, and fought on. Several hundreds of Americans were taken prisoners, although the British numbered but 2,800 in all, while their enemies numbered 5,000. The Upper Canadian militia manifested the most signal bravery. "Nothing could be more terrible," says a reporter of the action, "nor yet more solemn, than that nocturnal combat. The desperate charges made by the troops were followed by a

death-like silence, broken only by the groans of the dying and the monotonous noise of the great cataracts. Hardly could one discern, by help of the fitful light of the moon, the lines of soldiery, their arms gleaming faintly to the eye of the observer. Those intervals of stillness, not unaccompanied by inquietude, were soon broken by the rolling of musketry, and the measured trampling of the Americans in their renewed chargings, which were yet more firmly resisted than they were determinedly made."

As on the British, so on the American side, both chief generals (Brown and Scott) were severely wounded in this desperate battle; and the chief command of the republicans devolved on General Ripley, who, having made good his retreat, entrenched his men around Fort Erie.

Drummond, following him up soon thereafter, invested the place. First, he cannonaded the works, and, having made a practicable breach in them, during the night of Aug. 14 he formed his troops into three attacking columns, with the intent of assailing the enemy's defences simultaneously, on their whole front. Colonel Fischer, who headed one column, advanced two hours before daylight next morning, and got possession of the batteries opposed to him. Immediately thereafter, the two other columns advanced; and after a sharp struggle, succeeded in penetrating through the embrazures of a semi-bastion, into the fort itself, which was in the centre of the American entrenched camp. The defenders then took refuge in the stone building, and were playing the cannon therein mounted against those of the bastion already mentioned, well directed against them, when a powder-magazine blew up, scattering friends and foes alike who happened to be in or near the fort. The British not yet in action were panic-stricken by this accident, and fled from the scene, pursued by the Americans. The assault of course failed, and caused a loss of 1,000 men to the repulsed, in killed, wounded, and missing; while the Americans had not above 80 casualties in all.

After this disaster, Drummond converted the siege into a blockade. Sept. 17, the Americans made a sortie, upon hearing of the victory gained by their flotilla on Lake Champlain and the retreat of General Prevost. Taking advantage of a storm then raging, they fell on the British suddenly, destroyed their advanced works,

and took prisoner some hundreds of them; but, the tide having turned, the assailants were thrust back, losing about an equal number of men, mostly taken captive. Shortly afterwards, illness breaking out in the British camp, and General Izard being on the way with reinforcements for the beleaguered from Plattsburgh, Drummond drew off his forces, and retured to Chippawa.

At this time, the unfortunate issue of the British expedition, incidentally adverted to above, became a foundation for accusations, of a grave character, against Prevost. This governor, whom the British Canadian party detested, because he appeared to have more regard for the French-Canadians than his predecessor, was blamed as being the primary causer of all the misfortunes that had lately attended the military operations of the year. The (factious) party, constrained to silence for a time by the din of war, and not being able to gainsay the commendations rightly bestowed on the Canadians for their loyalty and courage in action, eagerly seized the occasion of the public being chagrined at what the governor could not foresee, far less prevent, to raise a clamour against an administrator ever obnoxious to them.

The fact was, that the ill-starred Plattsburgh expedition was undertaken by order of the British ministry itself, after the first abdication of Napoleon; when the general peace ensuing (for a time) enabled the cabinet of London to send a larger number of soldiers than before to America. In July and August, this year (1814), a draught of 4,000 of Wellington's soldiers arrived at Quebec. In a few days afterwards, they were transported, some towards Lake Champlain frontier, and others to different localities of Upper Canada. The latter portion was commanded by General Kempt, an officer who had gained much credit in the Peninsular War, who had orders to attack the Americans at Sackett's Harbour, should a favourable occasion present itself.

The command of the British flotilla in lake Champlain was given to Captain Downie, transferred from that of Ontario. To complete the crews of the former, many of the sailors were taken from the ships of war lying at Quebec. The troops destined to act against Plattsburgh were stationed between Laprairie and Chambly.

After his repulse at Lacolle, the American General Wilkinson

was replaced by General Izard. The close of the war in Europe having disengaged much of the military force there maintained by Britain, as above said, the Americans were fain to change situations, adopting the defensive for the offensive; they began to see alreadv, therefore, that if they did not show dispositions for peace, they would have to encounter the whole embattled strength of the British empire.

Izard set out in August, with a corps 5,000 strong, to reinforce the American army at Fort Erie, leaving only 1,500 men at Plattsburgh: this became an invitation to the British to hasten to their attack, and Prevost accordingly caused his forces to advance. He crossed the frontier at Odelltown, took possession of Champlain village, and occupied an entrenched camp, previously quitted by the enemy, on the river Chazy. Hence he marched his force, divided in two columns, upon Plattsburgh, sweeping before him several parties of militiamen who beset his path, and arrived at his destination on the 6th of September. Colonel Bayard, sent on with some companies of Munro's regiment of British infantry, drove the Americans out of that part of Plattsburgh situated to the north of the river (Saranac), who were then about to occupy, on the opposite banks, some heights crowned with batteries, redoubts, and other field-works, mounted with heavy ordnance. The British artillery being brought up, commodore MacDonough, in command of the American flotilla,—anchored in front of the place, to keep his flag-ship out of gun-range of the British land, force had to quit port and take to the open lake. The British flotilla, under Captain Downie, followed, at some distance, the movements of Prevost. A favourable wind for his purpose springing up, Downie was tempted to attack the enemy's vessels, in sight of the army on shore. Unfortunately, the captain's own frigate got too near the land, and thus was exposed to the fire, not only of an American ship, but to that of two American batteries besides. At the very outset, Downie and several of his officers were killed, and the ship grounded; untoward circumstances, by which the Americans profited, and made the forces on the British side, thenceforward unequal to cope with that of the enemy. Captain Pring, who now took the chief command of the flotilla, was obliged, after a combat of two hours, to strike his flag, as did all the other cap-

tains theirs in succession, their vessels being overmatched. Of the whole flotilla, only 7 or 8 gun-shallops escaped.

While the fight was in progress on the lake, the land-forces of the respective parties were not idle. Prevost, having battered the place for a short time, prepared to carry it, if possible, by escalade. One attacking column was formed, with orders to force the town bridge, and assail the defensive works in front; another, which defiled behind the camp to prevent suspicion of its intent, was to cross the Saranac, at a ford above the town, and, descending the river banks, fall upon the rear of the defenders of the place while engaged with the former column. The plan failed, for want of proper concert, or rather through misadventures. When the first column came within gun-range, a brisk fire was opened upon it from the works, which the British stood still to return. Meanwhile, the second column missed the proper road, and did not come up to time. The Americans, too feebly assailed, were able to hold their own; and, when they perceived that the British had been beaten on the lake, were naturally emboldened to make a stouter defence. The cries of triumph from the place reaching the ear of General Robinson, who was leading on the tardy second column, he halted his men, and sent one of his aides to Prevost, to demand what had happened, and whether he ought to advance further. Sir George, on consideration that even were the conjoint assault successful, the place could not long be retained now that the Americans had the entire mastery of the lake, ordered Robinson to retrograde, and drew off the attacking parties. Further, he had not a moment to lose if the British army were to reach Canada in safety, of renouncing all further prosecution of the expedition. General Macomb's force was constantly increasing by the arrival of reinforcements from all sides; and detachments from it could easily be transported by Macdonough's vessels to any point of the lower lake-board, while the homeward road for the discomfited British was not only in a wretched state but part of its course within gun-shot of the lake. It was reported, too, that the Vermont militia were on the point of crossing the latter in a body, to prevent the escape of the invaders. Upon the whole, it is pretty certain that if Prevost had gone deeper into the enemy's country, he would have experienced the fate of Burgoyne.

Sir George, therefore, after dismantling his batteries, commanded an immediate retreat, sending the wounded homeward in the first place. The first marching stage was effected in the night-time, under a torrent of rain, the weather having been very foul for some time previous. A retreat so precipitate could scarcely be orderly, and accordingly great confusion took place among the ranks, from which hundreds of the men straggled, or deserted and were picked up by advanced parties of the enemy, sent in pursuit. By degrees, most of the whole artillery, baggage, stores, and military chest of the army were captured or left behind; and thus the enemy made a great booty, for the troops had been provided with all necessaries for wintering in Plattsburgh.

Such was the progress, such the ending of an expedition to America, planned in London. The means provided for the end in view were totally inadequate; for Prevost's land-force, if not too small to invade the States and strike a possibly successful blow there, was far too weak to maintain a foothold, should that be gained. The lake flotilla, too, got up hastily to co-operate, was also unequal to what its crews had to cope with. The signal failure of the expedition was the misfortune, not the fault, of Sir George Prevost: unless, indeed, we lay to his charge, as a ground for blame, his over readiness in obeying to the letter the rash orders sent him from head-quarters.

While the British were thus mastered on and about lake Champlain, their supremacy was vindicating itself on lake Ontario. Having constructed a ship to carry 100 guns, Sir James Yeo hoisted his pennant aboard of her at Kingston, and ascended the lake accompanied by a flotilla with a detachment of troops embarked. The American flotilla ensconced in Sackett's Harbour, had perforce to allow the British full scope to invade their enemy's mid-lake frontier, at any point they chose. On the sea-board side of the States, the descents and the depredations of the British were of a nature to recal to the memory those of the Normands, during the 9th and 10th centuries, on the shores and in the estuaries of France.*

So long as the war carried on by the British against Napoleon

* A gross exaggeration, as every one moderately acquainted with the countries, times, and circumstances put in parallel, must admit.—*B.*

war of uncertain issue, they acted chiefly on the defensive in America, so as to furnish to the European coalition maintained against him, as much aid as possible. The Duke of Wellington, whom the ministry always consulted on the empire's military affairs, approved of this system. "I am glad to hear," he wrote in 1813, to Earl Bathurst, "that you are about to send a reinforcement to Sir George Prevost. I hope it may reach him in time, and that he will not allow himself to be tempted, by the appearance of petty advantages to be gained by invasions, to abandon his plan of defence. He may be very sure that what he gains in that way, he will not be able to retain. The attempt to do more than hold his own will lead to losses, and these will assuredly embolden the enemy, perhaps involve perilous results. Whereas, if he stick to the defensive system, he throws the difficulties and risks attending aggression on the Americans, probably to their ultimate discomfiture."*

The cessation (and supposed termination) of the general war, early in 1814, gave a breathing time to Britain, during which she was able to despatch reinforcements to Canada, and to send against the seaward regions of the United States, squadrons with troops on board, who, making descents on various points, obliged the Americans to recal most of the land forces they had sent towards the Canadas, and to call on their government to propose or listen to terms of accommodation. By this time the whole American sea board lay almost helplessly open to British ships of war, which, with troops on board, ravaged or blockaded its whole extent, from Maine to Mexico. Two corps of land forces, commanded by Generals Ross and Pakenham, made inroads, the first on Washington, the second in the region below New Orleans, thus striking at the east and (then) western extremity of the republican territories.

In August, 1814, General Ross, with 5,000 men, disembarked at Benedict, and ascended the Patuxent to Washington, the capital of the United States. At his approach, Commodore Barney burnt his flotilla in the river, and, along with the crews and some militia men, made a bold stand against Ross at Bladensburgh, when his men were defeated, and himself taken prisoner, but he was let

* Colonel Gurwood: *Wellington's Despatches*, Vol. X, p. 109.

go on parole by his captors. No further resistance being offered, the British took possession of Washington, burnt the Capitol, with other public edifices; and, after a very short stay, retired to the ships which brought them. Concurrently, part of the invading squadron repaired to Alexandria, on the Potomac river. The inhabitants here, to save the place, yielded up as a ransom, their shipping, goods, and naval stores, with which the British departed.

Next month, General Ross disembarked his soldiers at North Point, fourteen miles from Baltimore, in Maryland, and was advancing to that city, when his further progress being opposed a fight took place, in which he was killed. Colonel Brooke taking his place, the American force, led by General Stricker, was repulsed. The British soldiers continued their march, and bivouacked in front of the works erected for the defence of the city, while their ships bombarded Fort McHenry. Next day, the British officers, judging their means of attack too small to surmount the obstacles between them and Baltimore city, returned to their ships. Meanwhile, other squadrons blockaded New York, Boston, New London, &c., captured numerous vessels, and inflicted great damage on American trade.

The Southern States, too, had their turn of such devastating visitations, as well as the Central and Eastern. In August, the British, with consent of the Spanish authorities, took possession of the forts of Pensacola, and equipped an expedition against Fort Bowyer, which commands the entry of the bay and harbour of Mobile. The American general, Jackson, after making bootless complaints against the Spanish governor's conduct on the occasion, marched against Pensacola, took the place by assault, and forced the British to evacuate Florida. On his return to New Orleans, finding that the city was threatened by the British, he called up the militia of the state, proclaimed martial law, and set about erecting defensive works.

The squadron which had on board the army of General Pakenham appointed to operate against New Orleans, entered, Dec. 10, Lake Borgne, wherein was a flotilla of gun-boats, which were all taken after a stout resistance. Pakenham's corps being disembarked, a nocturnal combat took place between his vanguard and

some Americans, Dec. 22, about nine miles distant from the city. The British then advanced to a locality five miles higher up the flood, which they had, perforce, to traverse before they could reach their destination. Here the way was barred by entrenchments, faced with cotton bales, which had been formed to protect the city; and behind them were posted 6,000 of the best marksmen in the state. Pakenham, who had 12,000 soldiers under him (all regulars) formed them into attacking columns, and ordered them to advance to the assault. This they did with perfect regularity, in serried ranks, the ground they moved over being very narrow. Arrived within gun-range of the entrenched Americans, a deadly fire was opened upon them, by which, in a moment, the column heads of the British were crushed. In vain did the men try to rally; the dead and dying lay in heaps, leaving no ground to re-form upon. The advancing mass behind gave way; from this time all was lost, and the repulsed assailants fell into frightful confusion. Gen. Pakenham was killed, while trying to rally his men. Generals Gibb and Keene were wounded, the former mortally. The soldiers would not, latterly, obey their chiefs; and the whole surviving soldiery took to flight, leaving behind them piles of dead. General Lambert, upon whom the chief command of the British devolved, having gathered together the scattered parts of the beaten host, the men by degrees recovered from their panic. The British lost in this affair 1,700 men, killed and wounded; while of the Americans there were only six or seven wounded, and none killed. This disproportion, which is in itself a strong condemnation of Pakenham's conduct, serves also to justify the backwardness of General Prevost in risking a persistent assault on Plattsburgh.*

* The above account of the (so called) "battle of New Orleans," is inexact in several particulars. The entire force landed at first did not exceed, even if it reached, 8,000 men. From this number must be deducted nearly 1,000, owing to casualties which resulted from preliminary encounters. So far from being "écrasés en un instant," when confronting the cotton-bag heroes, the British stood the enemies' fire during 75 minutes. The reason why they were thus pinned to the spot so long, (as we have have been personally assured by some of those present) was because the ladders provided for bridging the ditch and scaling the redoubts were too short,—a shameful piece of neglect,—and other means were waited for, but never arrived. Again: the Americans *owned* to an

The battle of New Orleans, the result of which filled the American heart with joy, and some (petty) combats on sea, preceded but a short time the termination of hostilities between the two countries. The victories gained by the men of the States made the British ministers less exacting in their terms, and allowed the American envoys to negociate with more dignity; the peace party in the country, too, now being able to raise its head, without wounding the national self-love.

That party included almost all the Federalists, most of whom were New Englanders; namely, inhabitants of those states which were the most revolutionary before, and prompted others to engage in, the war of Independence. These olden provinces, at all times jealous of the junior states, because the latter did not seem to pay the former due regard, never ceased to complain of the losses they were enduring through the war, into which they had been precipitated by those who had less to lose through its means than they. Their leading men accused the federal government of giving the eastern towns and property no effectual protection, yet throwing upon these the heaviest burdens of war. The British cabinet, aware of this discontent, purposely ravaged the eastern seaboard to increase it, trusting that, the more detriment the malcontents suffered, the sooner they would give in. Towards the close of the year 1814, delegates nominated by the legislatures of Massachusetts, Connecticut, Rhode Island, and certain representatives from Vermont and New Hampshire, assembled at Hartford to take into consideration the state of the country. The holding of this species of congress was denounced as a usurpation of the functions of the federal legislature, and likely to compromise the national interests, at a time of crisis; it certainly had a peace-impelling influence, which was really wanted just then, for various cogent reasons.

In August, 1814, British and American envoys met at Ghent,

actual loss of 55 killed, and 185 wounded. They asserted, indeed, that the British loss was 2,600; viz. 700 killed, 1,400 wounded, and 500 taken. Round numbers are always to be doubted: they are usually "estimations," that is, mere guesses. But the loss was deplorably great, nevertheless.—See FROST'S *Hist. U. States*, pp. 336-340; London edition of 1838.—*B.*

in the Kingdom of the Low Countries, to confer on terms of pacification. The conferences lingered for several months; but on the 22nd and 24th December, two treaties were signed, the first containing commercial, the second political stipulations; both of which were ratified by the Prince Regent of Great Britain, Dec. 27, and by the American government Feb. 17, 1815. The peace of Ghent was based on stipulations providing that whatever territories, &c. had been taken, by either party during the war, should be restored. The subject of the rightful limits of Canada and New Brunswick, which had been debated during the negociations, was referred to a mixed commission, afterwards to be constituted for its final settlement. By one article, the U. States envoys agreed that the American Oceanic slave trade should be abolished, the cruisers of the two powers to conjoin in chasing slavers as piratical vessels. The vexed questions, of neutrals' immunities in war-time, and the "right of search," were quietly ignored.

This mode of evading a "difficulty" was by no means satisfactory to the war-party in America, because (its members argued), having gained nothing by the war, the assenting to stop it without settling the questions for which it was begun, was a tacit acknowledgement that the country was not strong enough to bring hostilities to a triumphant close. But the Americans were wrong in not taking up arms sooner; they began hostilities at a time when Napoleon's fortunes were on the decline, through his invasion of Russia; and after events enabled Britain to get one of her hands at least clear for dealing with the Americans. The French emperor was constantly urging the men of the States to take up arms against Britain; for he knew that they coveted the possession of the territory to the north of that of the confederation, and which pressed upon the several States with a kind of dead-weight. The true motive of the war they did so tardily commence, was the conquest of Canada; its pretexts were, repudiation of the right of search, and maintenance of the rule (spurned by the British) that "the flag borne protects the merchandise carried."

These pretensions exist at this day. Britain was wrong in not giving up the points in dispute that gave rise to them, for her strength in America declines in proportion as that of the United States increases. Two things contribute to realise this weakness:

1. The numerical inequality of the British North American populations; 2. The fundamental vice inherent in a colonial government, the head-quarters (*point d'appui*) of which, as in the present case, are a thousand leagues apart, and, in a word, the organisation, political and social, of which is so essentially different from that of America. Sir A. Alison admits, that the treaty of Ghent provided for a long truce rather than a final pacification. Thus, the question of the boundaries of Maine long remained unsettled; and when the time for doing so arrived, the Americans, profiting by the leaven of discontent in the Canadian mind, resulting from the events of 1837, obtained almost all it asked for on the occasion. The continued assumption of a right of search will, without doubt, be a cause of renewed difficulties; for its allowance is incompatible with the dignity of a free nation, one having such trading interests as those of the United States.

The treaty which put an end to the war of 1812-14, was hailed with joy in Upper Canada, where the hostilities carried on had been both sanguinary and costly. It was not less welcome to those States of the American confederation most dependent on commerce for their prosperity. The war had almost annihilated the foreign trade of the republic while it lasted, which had been previously very great. Thus while its exports, in the latter time (1812) were to the value of 22 million pounds sterling, its imports 28 millions ditto; the former, in 1814, were but £1,400,000 in value, the latter less than three millions. From two to three thousand American vessels were taken by the British while the war lasted; and the former, in regard to their war marine, could not fail to be overmatched, especially at the outset, by the immense superiority of the British navy, then equipped on the most gigantic scale ever known. As the federal revenue receipts depended almost entirely on customs duties, its ordinary sources were all but dried up at once; and the central government was obliged to have recourse to direct imposts and loans: the amount of the latter, in the third year of the war, reached a total of 22½ million dollars,—an enormous sum for a nation whose annual revenue, in ordinary times, did not exceed 23 millions. Before hostilities ended, two-third of the American trading houses became insolvent; and the malcontent New-England States already adverted to were

on the eve of disconnecting themselves from the Union, when peace for all was proclaimed.

The commerce of Britain suffered greatly, likewise, by the war against the States. Their people, just before it broke out, took goods and produce from the British to the value of twelve millions annually: as a consequence, the manufacturing classes in Britain suffered seriously by the suspension of trade between the two countries. The misery among the British work-people at that time, great as it was, would have become insupportable but for the general opening up of European markets for their articles, after the disasters of Napoleon terminated in his fall. But, meanwhile, the necessities of the Americans, cut off as they were, for the time, from regular supplies of goods from abroad, constrained them to begin manufacturing for themselves; and the establishments then founded to supply home wants, have, some of them, maintained themselves till this day, while many more have been established since: so that the Americans are become, in several regards, formidable competitors as manufacturers, as well as traders, to the British. Such was the first permanent effect of the war. A second result, not less important, was that the northern States, which wished for separation in 1814, are become, since then, the natural rivals of Britain, because it is in New England, mostly, that American manufacturing industry, on a large scale, is located; its people, therefore, being concerned to secure for themselves a home market throughout the Union, are now the least likely to move for breaking up the confederation. Accordingly, there is no reason for its enemies to calculate on a separation of the north-eastern from the central or south-western States, through clashing commercial interests; as, every day, new ties are forming to bind its parts more closely together than ever.

On the other hand, it is not likely that the Americans will attempt to acquire the Canadas without the consent of their inhabitants. In their [?] eyes, colonial dependence is neither a natural nor durable state for a people; and the manifest tendencies (*conduite*) of metropolitan governments themselves give a plain enough indication that they have a similar feeling as to the future. Such an eventuality [independence?] pre-occupies the attention

of the politicians and historians of Britain; but neither her historians nor her statesmen (it seems) can rid themselves of their old-world (*antiques*) prejudices, so as to form an impartial judgment of what ought to be done, in order to maintain the integrity of the British empire. Under whatever aspect we view this question, a solution of it appears difficult; for the mother country (*la métropole*) cannot allow to colonists the like controlling influence over its own immediate government, that the people of the Three Kingdoms demand and exert; nor can she invite the people of her remote dependencies to send representatives to the imperial parliament in proportion to the population they contain: for there may (and probably will) come a time, when the collective population of the Canadas, New Brunswick, Nova Scotia, &c., will exceed that of insular Britain; and thus metropolitan supremacy passing out of her hands, the United Kingdom will become a dependency of a *greater* Britain, and derive thence its final destinies. This necessary consequence shows the force of the obstacles which colonial rule has to encounter as it becomes decrepit (*à mesure qu'il vieillit*), and populations arise under its sway. Separation of the parties at last appears to be inevitable, however adverse one or other or both (at first) may be to its taking place. All that polity can do in the case, is to postpone the consummation as long as possible, and make the disjunction with the least detriment to both when the time for it arrives. But foresight, almost always, is wanting to the protecting party, when the protected become strong enough, as well as inclined, to go their own ways. Meanwhile, as fear restrains the compression of the governing, so does hesitation signalise the resistance of a majority of the governed; while a younger or more ardent minority among the latter, is ever chafing at the constraint its bent is put under.

Nations owning colonies are often blind to the real causes of their revolts. For Britain to assure for herself the continued possession of her North American colonies, says Alison, she ought, above all things, to win the attachment of their inhabitants, and make sure of their support. "Although we must deplore the effects of the culpable acts and criminal ambition of those revolutionists of Canada, who alienated from us the affections of a

simple and industrious people, formerly so loyal and so devoted, the evil is not irremediable: if it be dealt with in a right spirit, there may grow out of temporary evil, abiding good. Those events, attracting attention among ourselves, have become means for disclosing to public view many abuses, which, but for them, would have remained in the shade; thus have they shown us the necessity there was for reforming them." But abuse of power is the canker-worm at the root of *all* colonial government. Those who, in the mother country, seem to be most ardent for reform at home, are the very men who are the least reserved opponents of colonial reforms. The insurrections which took place in the two Canadas in 1837, were but the natural consequence of the bad administration of those provinces; and of the obstinacy of the depositaries of power, who ever turned a deaf ear to the earnest remonstrances of the people's representatives, during a long series of years. Prejudice is so difficult to remove, that the historian cited above, while proposing his remedy for the evils of those times, virtually justifies the movers in the Upper-Canadian revolts he denounces; but he merely meant to do so out of respect to malcontents of British birth or descent: whereas, in regard to the Lower-Canadian outbreak, he takes the freedom to stigmatize its leaders and promoters as rebels outright. The discrimination he makes, in the case, is simply this: the Upper Canadians were misled into resistance by instigators of too active tempers and over energetic minds, (signs these of a superiority of race!) while the unreasonably rebellious conduct laid to the charge of the Lower Canadians he ascribes to selfish ambition in their leaders, and ignorance in themselves: in brief, what is denounced as a crime in a Gallo-Canadian, shall pass for public virtue in a Brito-Canadian.

The campaign of 1814 having terminated, Sir George Prevost repaired to Quebec, and summoned the chambers to meet in January ensuing. M. Panet having been nominated a member of the legislative council, M. Papineau, junior,—then scarcely 26 years of age,—was chosen president of assembly in his place. Of a more ardent temperament than his father, thitherto the most distinguished of our parliamentary champions, the son was destined to carry out opposition principles to a much greater extent than the parent had done.

After making emendations of the militia law and augmenting imposts previously laid on divers commodities as war-taxes, to endure so long as war-needs required, the chamber reverted to a consideration of the question, whether it were desirable for the Canadian legislature to have a resident agent in London. The proposal was carried in the affirmative, but the council rejected it. The home government, on its part, ever opposed to a delegation of this kind, declared that the governor was the sole medium through which communications could pass, constitutionally, between the chambers and the British executive or legislature.

What more immediately induced the chamber to revive the consideration of this matter, was a rumour then current, that the ministry had it in contemplation to conjoin all the British North American provinces under one colonial administration, as had been proposed by Judge Sewell.—The assembly now announced that it persisted in following up the accusations it had already made against that functionary, and others it had preferred before, against Judge Monk. Mr. James Stuart was nominated, at the same time, to proceed to London, and sustain the charges against both, before the English tribunals (*la métropole*). The assembly was still engaged in the discussion of this business, when official intelligence that peace between Britain and the States had been concluded, was communicated to the chambers. The assembly forthwith passed a resolution, declaratory of its sentiments, that Sir George Prevost had (ever) distinguished himself by his energy, skill, and sagacity, even under the most trying circumstances; adding, as a solid token of the good-will of the chamber towards him, a present of £5,000 sterling, for the purchase of a table-service of plate: a vote which was disallowed, next year, by the council, when it took the shape of a law; although the Prince Regent, intermediately, approved of the civil administration and military conduct of his Majesty's representative.

When the parliament was prorogued, the president of assembly, in presenting the bills of supply, thus addressed the governor:—

"The events of the late war have drawn closer the bonds which connect Great Britain and the Canadas. These provinces have been preserved to her under circumstances of peculiar difficulty.

At the epoch of the declaration of war, this country was destitute both of troops and money, and your excellency was at the head of a people in whom it was pretended that half a century of repose had extinguished all military spirit.

"Superior to prejudices which had but too generally prevailed, your excellency has derived from the devotion of that brave and loyal, yet unjustly calumniated people, resources sufficient for disconcerting the plans of conquest devised by a foe at once numerous and elate with confidence. Reinforcements were subsequently received; and the blood of the sons of Canada has flowed mingled with that of the brave soldiers sent for its defence. Multiplied proofs of the efficacious and powerful protection of the mother country, and of the inviolable loyalty of the people of this province, strengthen their claims to the preservation and free exercise of all the benefits which are secured to them by their existing constitution and laws."

Sir George listened to these encouraging words (and they were needed, as well as deserved) with the liveliest satisfaction. He informed the chambers that he was about to set out for England, his presence being wanted there, as he had to reply to certain accusations against him, proffered by commodore Yeo, for his conduct of the expedition against Plattsburgh. Before he departed, the inhabitants of Quebec and Montreal presented to him very genial addresses of valediction. The French Canadians took him all the closer to their affections, as they knew that the kind of disgrace into which he had fallen, was more due to the unvarying kindness which he had manifested for them, than to his imputed demerits as a warrior or an administrator.

The unfortunate result of the Plattsburgh expedition furnished convenient pretexts to his personal enemies to evince their active antipathy to him without disguise. Thus a brother of Judge Sewell took occasion to insult him in libellous print; while Sir J. Yeo accused him of having cut out a triumph for the Americans. These and others of his enemies colleagued and threw upon him, likewise, the discredit of the failure at Sackett's Harbor—the aim of the accusers being to get him superseded as governor of Canada. The authorities at the Horse Guards, London, transmitted to him a copy of four charges intended to be brought against him; inti-

mating, at the same time, that he would be allowed the intermediate space, from the day of date till January 12, 1816, to prepare his defence. He did not live, however, to meet his enemies face to face; for the winter having set in with rigour, his constitution, never strong, was seriously affected by the fatigues and exposure attendant on his overland passage from Quebec, through a snow-obstructed wilderness, to St. John, N. B., where he embarked for Britain. He died Jan. 5, shortly after his arrival in London. The court-martial appointed to judge him never met, such being the rule in these cases. At the instance of Lady Prevost, and of Colonel Prevost, brother of her deceased husband, the war-office publicly acknowledged the distinguished services which the victim (of malice and envy) had rendered to his country; and, as a kind of token of governmental contrition, the Regent accorded an honourable addition to the armorial bearings of the family.

As for the military reputation of the dead warrior, it was cleared of the stain attempted to be cast upon it, through the miscarriage at Sackett's Harbor and Plattsburgh, by those best qualified to judge; viz. the most distinguished members of his own profession. In especial, the Duke of Wellington thus addressed the secretary-at-war on the subject: "I approve highly, indeed I go further, for I admire all that has been done by the military in America, so far as I understand it generally.—Whether Sir George Prevost was right or wrong in his decision at Lake Champlain, is more than I can tell; though of this I am certain, that he must equally have returned to Kingston," (Montreal,) "after the fleet was beaten. I am inclined to think he was right: I have told ministers repeatedly, that a naval superiority on the lakes is a *sine qua non* of success in war on the frontiers of Canada, even if our object should be wholly defensive."*

Several of the naval officers, however, who misconducted themselves at Plattsburgh, were tried by courts-martial and punished.

* Gurwood, xiv, 244: *Wellington to Sir G. Murray*, Dec. 22, 1814.

BOOK FIFTEENTH.

CHAPTER I.

QUESTION OF PARLIAMENTARY SUPPLIES.

1816–1822.

Discussions between the Assembly and Legislative Council renewed after the war concludes.—Proposed Union of the British Colonies.—Gen. Drummond.—Abuses in the Land and Postal departments.—Rejection of the accusations against Judges Sewell and Monk.—Dissolution of the Parliament.—Sir John Coape Sherbrooke appointed governor.—He transmits to London a memorial on the spirit of parties in Canada.—Instructions he receives.—The Catholic clergy; M. Plessis.—Judge Sewell.—Messrs. Uniacke and Marshall.—State of the colonial finances; disorder therein.—Instructions of Lord Bathurst.—Right of voting the supplies.—Judge Foucher put under accusation.—The Duke of Richmond replaces Sherbrooke.—Resumption of the financial question.—Civil list augmented, and a demand made that it should be fixed for the whole reign of the king: the demand refused.—Judge Bedard accused.—Sudden death of the Duke of Richmond.—Dissolution of Parliament.—Lord Dalhousie appointed Governor.—M. Plessis, being in London, has interviews with Earl Bathurst.—Continuation of debates on the colonial finances.—M. Papineau becomes an executive councillor.—The assembly refuses supplies.—Dissentiments in the executive council.—Customs revenues divided between Lower and Upper Canada.

The war which was now terminated, had, while it lasted, a calming effect upon the habitual discord between the executive and the representative chamber. Peace having come again, and Prevost being gone, the old dissensions began to re-appear.

General Drummond entered office, as a substitute *pro tem.* for a regularly appointed governor. His first care was to fulfil the promises that had been made, of rewarding the soldiers and militiamen who had distinguished themselves in the late war. He wish-

ed to remunerate them with land grants; and in order to find means to do so, he was obliged to have recourse to the officials of a department which would not bear looking into, so great were the abuses that ever reigned within it. The instructions sent from Britain, founded on the representations of General Prescott, late in the previous century, far from putting a stop to dilapidations seemed to have increased rather than lessened the evil, despite the outcries raised on all sides against them. The distribution of public lands among government favourites never ceased till little more was left to give away. Drummond* informed the British ministry, that there was no longer any disposable land, on the banks or in the valley of the river St. Francis, for settling disbanded soldiers or immigrants upon. Favouritism had appropriated to itself the entire region. Between the years 1793 and 1811, more than 3 million acres of this territory had been shared among a couple of hundreds of lucky grantees. Some had secured their 60,000, others their 80,000 acres; and Governor Milnes, for his portion, appropriated 70,000 acres. None of the monopolists of all this soil had the slightest intention of turning it to account by proper cultivation. As it cost them nothing, or something the nearest to nothing, the acquirers concluded to let it lie as it had lain for countless ages, till minor acquisitionists should clear their small soils (or spoils), open up roads, &c., and *then* the huge expanses of corruptly appropriated wilderness would, of course, become "worth money" to parties unseen till then, who would boldly come forward and peremptorily claim "their own." A semblance of national polity was put forward, to screen such manifest abuses: disposable frontiers, through this system of granting, enabled proprietors (of the true British stamp) to re-grant, in favour of "faithful subjects," parcels of land contiguous to each other; thereby lining the frontier, as it were, in one direction at least, with living loyalty: and the small but numerous landholders, putting shoulder to shoulder, would keep out most effectually any French-Canadians from getting a foot-hold, and fraternising—one of those days—with the "Bostonians." Reprehending such palliation of wrong-doing, Mr. Andrew Stuart exclaimed, from his

* In a despatch to Earl Bathurst, dated June 16, 1815.

place in assembly: "What mad policy is this! you fear the contact of two races, alien in speech, unsympathetic in all things; and you propose to erect a barrier against what you most apprehend, built of homogeneous materials,—I mean, a community composed of people of one origin, all speaking the same language; setting up a frontier-line of settlements inhabited by colonists of the same blood, habitudes, and religion, as those of the enemy?"

Drummond turned his special attention, likewise, to another public establishment, the postal departement. So many abuses did he find in it, that he demanded the dismissal of its director, Mr. Heriot. These official probings of administrative corruptness, engaged his attention till the opening of the parliament in 1816. Nothing very remarkable had occurred in assembly until Mr. Loring, the governor's secretary, informed the chamber that the charges brought against judges Sewell and Monk were repelled; and a judgment had been pronounced, that, in the judicial bench of the colony collectively, was vested the right of making rules of procedure for the several tribunals. The governor added as a pendant to these notifications, that "His R. H. the Prince Regent is pained in being apprised that the assembly has thought fit to censure two men who have exercised long and well the highest judicial functions; that such conduct was all the more to be regretted, as it tended to depreciate, in the estimation of the light-minded and ignorant, the merits and services of two judges so admirable in every respect; thus attempting (although vainly) to diminish their future usefulness."

This (pretendedly royal) reproof became quite a triumph for the accused, and their partisans. It served, also, to open the eyes of those who had allowed themselves to be blinded so long as the war endured, by the cajoleries (*ménagements*) of Sir George Prevost, and banished from many minds all the hopes that his administration had given birth to. A call of the house (*appel nominal*) was voted, and the assembly was in act of discussion of a motion made to address the Regent upon the subject of his late communication, when the chamber was dissolved by the governor, in virtue of an order for that purpose sent from London; Drummond, in his closing address, not forgetting to load the members

with reproaches.* The colonial-office, which thus thought to put down opposition to its behests by having recourse to an extreme measure, incurred a heavy future responsibility; for there was no likelihood of the constraint thus put upon this assembly working a change in the minds of the people to its disadvantage, amongst whom the interposition of the metropolitan power was more likely to re-excite the irritation so rife under the Craig administration.

† [The old enemies of the Canadians resumed, by degrees, their wonted empire; (one) Ryland came to Canada in 1812, with the title of a member of the Legislative Council. During the two years he passed in London, he let slip no occasion presented of exciting the hatred of Britain against the catholic and French-descended people of Canada.‡ As his sentiments found an echo in the hearts of the ministers, their minds being filled with like prejudices to Ryland's, they could not dismiss the ca-

* The provincial parliament first met, this session, Jan. 26, 1816, and was, Feb. 26 ensuing, dissolved, "before any of the (resentful or obstructive) measures which had been resolved, were brought to maturity." CHRISTIE.—That the reader may judge for himself of the real character of the "*discours remplis de reproches*," pronounced on the occasion, we reproduce it here in full:—

"Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,—Having indulged the hope, when I met you in the provincial parliament, that your unanimous exertions would have been diligently applied to those objects of public advantage which I recommended to your particular attention, it has been with extreme concern that I have found those, my reasonable expectations, disappointed.

"The House of Assembly has again entered on the discussion of the subject, on which the decision of his Royal Highness the Prince Regent, in the name and on the behalf of his Majesty, has already been communicated to them; and while I deeply regret that the Assembly should have allowed any consideration to overbear the respect which his Royal Highness's decision claimed, I feel it my duty to announce to you my determination to prorogue the present parliament, and to resort to the sense of the people by an immediate dissolution."—*B.*

† The two paragraphs inclosed between *brackets* [], are to be found only in the third French edition of this work.—*B.*

‡ See Ryland's correspondence in vol. vi, pp. 123-294, of the "History of Lower Canada," by Mr. Christie.

lumniator; and although Prevost had not made him his private secretary, the emoluments of the place were still paid to him. The refusal of Prevost to make use of him had, notwithstanding, given mortal offence to this agent of Craig. He complained of it to Lord Liverpool; adding, at the same time, that his poverty constrained him to accept still the salary of an office he had filled, for twenty years, under successive governors, beginning with Lord Dorchester. In the following year, he wrote to Earl Spencer, that Prevost's ideas on the polity best suited for Canada were quite opposed to his own; and he deplored the renunciation of the system adopted by Milnes and Craig. Till the year 1813, the government recognised the catholic prelate only as "superintendent of the Romish Church." In 1813, amid the war against the United States, Earl Bathurst, colonial minister, restored his proper designation, as "catholic bishop of Quebec." Ryland protested against this titular change, but without effect.

The discredit of the latter lasted only during the war-time. When peace was fairly in operation, the olden hostile spirit against all that was catholic and French in nature revived once more; and to the ex-secretary remained the distinction alone, of being the most inveterate of the numerous enemies who raised their heads against our race at that time. It was precisely the influence of the party animated with his spirit which led Drummond, and the colonial minister, to dissolve the provincial legislature, in 1816.]

When the new elections took place, nearly all the identical members sent adrift were returned as assembly-men. During the parliamentary recess, Drummond was superseded by the arrival of Sir John Coape Sherbrooke, ex-governor of Nova Scotia.* A more skilful and prudent administrator than Drummond, Sir John began his official career among us, by an act of beneficence which gained for him the good-will of the public. Severe frosts, which took place earlier this year than usual, ruined the crops in the lower parts of the district of Quebec; and the people of several of its parishes were reduced to a state of almost total want. The

* Lieutenant-General Sir Gordon Drummond left for England, May 21, 1816; and Major-General Wilson officiated as governor *pro tem.* till Sherbrooke arrived, July 21 ensuing.—*B.*

governor hastened to send them means of subsistence; drawing some supplies from the king's stores, and purchasing more at his own risk of repayment. This seemed to indicate that Sir John had sympathy for our compatriots, and augured favorably for his future acts.

He took into consideration the difficulty which led to the late dissolution; and, penning a memorial on the nature of public opinion in the colony, he transmitted it to the home government, and asked that instructions for his guidance on this and other subjects debated in assembly, should be returned to him. He informed ministers, that the dissolution which, it was hoped, would be a means for returning an assembly of a more favourable complexion than the last, had, on the contrary, increased the evil it was intended to obviate, by exciting an intense irritation among both the unseated members and their constituencies; that nearly all the former had been re-elected; finally, that wherever changes had been made, the persons returned were less moderate as oppositionists than those they replaced.

The colonial-office was prepared to brave the resentment of the Canadians at all risks; and in order to provide for eventualities, instructions were given to the governor to be prepared to do battle with the chambers. Earl Bathurst replied to Sherbrooke, that he approved of the dissolution of the former parliament; and that if the new one manifested the same spirit of resistance to the royal authority as the last, he was empowered to dissolve it likewise. Nevertheless, he was counselled to avoid this extremity, if gentle means could be found for successfully resisting its oppositions. "Till now," added the colonial minister, "the government has found, upon ordinary occasions, a constant resource in the firmness and good dispositions of the Legislative Council; and we need not doubt that it will still oppose a barrier to the rash and violent acts of the representatives. It is desirable therefore, for every reason, that you should make use of it to undo those measures you have objections to, instead of bringing your authority or ours into direct opposition to that of the assembly; or to give its members a pretext for refusing to the crown the needful supplies for the service of the colony."

The governor transmitted a memorial to the minister, in which

he enlarged on the embarrassment he felt in carrying out the instructions sent to him, owing to the peculiar state of the public mind. It was impossible, he said, to give his Lordship a proper idea of the extreme unpopularity of Judge Sewell: all classes of society, even the catholic clergy, were hostile to him; his name stank in the nostrils of the people even in the remotest parts of the country. Sir John expressed an opinion, that if the ministers had heard both sides of the question regarding that functionary, whatever had been their own opinion on the subject, they would have thought it expedient, if only out of regard for public peace, to deprive the party most hostile to him of all further cause for complaint in regard to him; and he dared aver, that such was the motive that dictated the resolutions which were the cause of the late dissolution.

After recommending that Judge Sewell should be pensioned off, he added that he would still tender him that support prescribed by the instructions; that he would strive also to be on good terms with the catholic bishop; but that he should deceive the ministry were he to hold out hopes of any change taking place in the sentiments of the clergy, or of the people, on the point in question. He expressed his fears, at the same time, that coercion would only embitter the prevailing dislikes. Moderate-minded and well-informed men assured him, he said, that they expected to see a revolution in the country rather than a change in the present sentiments of its inhabitants.

After reviewing the disquieting state of things in the colony, Sherbrooke pointed out what remedies he thought needful under the circumstances. He observed, in the first place, that if the chamber were allowed to have an accredited agent in London, which a majority of the members had long wished for, and as almost all other chief colonies were or had been permitted to send thither, it would be a great means for restoring concord. The Assembly attributed the rejection by the legislative council, of its bill for effecting this object, to the influence of Judge Sewell; who in doing so (it was alleged) had solely in view the prevention of accusations against himself, by an agent of assembly at the metropolis. The governor recommended, also, that Mr. Stuart should be detached from the opposition party, of which he was a leader; for, in that

capacity, he became the author of the obnoxious resolutions passed the year before. As it was rumoured that he might be gained by being appointed attorney-general, this ought to be kept in view, Sherbrooke thought; most men (of law) being purchaseable in such cases. He also suggested, that M. Papineau ought to be appointed an executive councillor, seeing that the country party (*parti dominant*) had no exponent of its views at the council board. The greatest evil, the ever-open source of dissensions, was the want of confidence in the government, or rather in the executive council, the members of which were regarded as mere agents of the governor himself; consequently all that it did was viewed with a jealousy which was detrimental to the state: so Sir John thought, that if M. Papineau, then president of the assembly, were made one of the council, popular distrust of that body would abate or cease.

Such suggestions as those partially unveil for us hidden administrative polity, and give us a glimpse of the usual wheels set in motion to work a governmental machine. Sherbrooke proposed to the minister to purchase, by favour or offices, the keys (*clefs*)* of the clergy and people. Stuart, the bold oppositionist (*ce tribune si audacieux*) was strangely over-appreciated; for the attorney-generalship was surely a charge too heavy for one of his small legal calibre. The office was already (Sherbrooke asserted) poorly filled; for General Drummond had already assured Earl Bathurst that Mr. Uniacke was an incompetent man; to which intimation his Lordship replied that temporary assistance should be granted in the case, in view of his being ultimately superseded by a proper functionary, to be selected from the English bar.

The real unsuitableness of the attorney-general for his work was not his incapacity as a lawyer, but his honesty and independence as a man. In 1805, Sewell, then attorney-general himself, wished, as was well known, to abolish the catholic parishes, and substitute for them parochial circumscriptions, on the protestant model. Pretending that (anti-catholic) statutes passed in the reigns of Henry VIII and Elizabeth were law still for all British subjects, he urged that there was not, could not be, any catholic bishop in Canada. Afterwards, Mr. Uniacke, and Mr. Vanfelson, king's advocate,

* *Sic* in orig.; but perhaps a misprint, meaning *chefs*.—B.

controverted that dogma of Sewell. This contradiction the latter never could digest; and his partisans never ceased to tilt at (*persécuter*) Mr. Uniacke from that time forward.—Sherbrooke, biassed as he had been against his chief law officer, did not venture as yet to supersede him; prudently concluding, that such an arbitrary act would only add to his own embarrassments.

In pursuance of ministerial instructions, the governor used all his efforts to gain over the catholic bishop. In 1814-15, the Prince Regent sent orders to seat him at the executive council-board; but as a preliminary to instalment, certain conditions being demanded which were judged to be incompatible with his functions as chief of the church of Canada, his call to council fell into abeyance. As a rumour got spread about, that Earl Bathurst intended to withdraw the toleration which catholicism then enjoyed, his Lordship charged Sherbrooke to declare formally, that no change in the tenor of the Royal Instructions of 1775 had ever been or would be made or attempted. The governor was also enjoined to request the present prelate to remove the false impressions which ignorance or misrepresentation had made on the colonial mind in that regard. M. Plessis himself, the Earl added, seemed to have fallen into a vital error; for, "making a right interpretation of the 4th article of the treaty of 1763, the Canadians were to be secured in the enjoyment of their religion, only in accordance with the British laws, and not according to those they lived under while French domination subsisted." Now, as the laws of Great Britain, forbade (or ignored) the existence of a catholic hierarchy in any form whatever, it surely was a very long stretch of "favourable interpretation" of such laws, for the king's representative to recognize the episcopal functions of the present bishop: still, the zeal and loyalty of M. Plessis (it was admitted) had fairly merited that his request should be complied with, to take his place at the council-board as the recognised exponent of the wants and wishes of his co-religionaries. A condition was superadded, however, that the conceded right of a catholic bishop sitting *ex officio* as a councillor should not extend absolutely to his successors, who could only, in each future case, take a seat there in right of personal fitness or approved merits.

The governor also recommended the minister to obtain royal

sanction for the bishop of Quebec to nominate episcopal legates (*vicaires*) for Upper Canada, Nova Scotia, and Prince Edward's Island; therefore this faculty was accorded in 1817, in spite of all the protests of Judge Sewell against its allowance.

As soon as the British party learned that Messrs. Plessis and Papineau were certainly called to the council-board, a thousand objections were made to their admission; but all such opposition was useless, as the ministerial polity at that time dictated the measure. The nomination of M. Plessis as a councillor was confirmed in 1818.

In a general way, Sherbrooke's prudent polity had by this time greatly moderated the ardour of partisanship in the colony; and after the parliament met, Jan. 17, 1817, the assembly seemed well disposed towards the executive. A mixed "committeee of conciliation" (*bonne correspondance*) was constituted, to mediate amicably with either of the two legislative chambers, when any reconcileable differences should arise between them.

Nevertheless, there was no immunity for peccant state functionaries allowed by the members of assembly. Thus M. Cuvillier accused M. Foucher, a judge of the court of king's bench in Montreal, of giving admonitory counsel to certain favorite advocates in advance; thus pre-judging causes which he had afterwards to decide upon in his judicial capacity. He was also accused of treating with insolence those parties for whom he had aversion. These charges were referred to a committee of the chamber; the members of which, after due inquiry, addressed the Prince Regent soliciting that Judge Foucher should be superseded and punished. Meanwhile, till this request were accorded or refused, the assembly applied to the governor to suspend Foucher from his functions as a judge; and this was done. Thereupon the legislative council protested against the whole proceeding as irregular, as not having been entered upon with its concurrence; the councillors resolving to present a counter-address to the Prince Regent, praying that no further steps should be taken in the matter till it had been brought under the consideration and subjected to the determination of the legislative council. The assembly, in reply to the pretensions involved in these acts, denounced them as unconstitutional, oppressive, and tending to favor arbitrary power.

About the same time, another member of assembly, Mr. Sherwood, presented a petition from the bereaved family of M. Corbeil, who died from the effects of his incarceration during the despotism of Craig; and praying for justice from the assembly, against several members of council then in office, especially Judge Monk. In a separate petition, Sherwood accused that functionary of having dealt unjustly by him, in a prosecution of himself (Sherwood) for an alleged libel. A pamphlet, reporting the particulars of accusation adduced by the assembly against Judges Sewell and Monk, had been parodied ludicrously in a printed squib, the authorship of which was imputed to Sherwood. Governor Drummond ordered attorney-general Uniacke to prosecute the author; * and thus it was that Mr. Sherwood found occasion for complaint against the conduct of Monk, as being a partisan judge. Sherwood's personal petition went to a committee, which made no report on the subject, and it was allowed to drop altogether. The governor's influence did much, in fact, to calm all irritating discussion upon such petty subjects. The assembly, on its side, departed from the charges made against the judicial practice of Sewell and Monk,—to the great displeasure of Mr. Stuart, who considered that his friends had betrayed him in the case; while the governor, on the other hand, exerted all his influence to obtain a promise that the prosecution should be relinquished entirely. Sir John also solicited the support of M. Plessis in council, as he had been directed to do by the ministry.

The executive then turned its attention to the question of the colonial finances, around which naturally grouped all others of public import.

The perspicacity of Sir J. C. Sherbrooke, the most skilful of all the governors yet set over us, enabled him to see at a glance the innumerable difficulties already existing in this matter; and to forecast others, of like or worse nature, looming in the distance. The agitations among the people, caused by the question of parliamentary supplies, every time it was mooted, plainly indicated that a day was coming, and not very remote, when the constitu-

* Most probably the printer rather, if Sherwood did not father the performance; or else, if it were his, he got betrayed.—*B.*

cencies would demand "liberty of the purse," in its unabridged entirety.

The governor, in a despatch addressed to Earl Bathurst, dated March 18, 1817, gave a detailed account of the public revenue and expenditure of the province. According to the data given in which it appeared that, in 1815, the latter had exceeded, by a sum of £19,000, the amount allowed therefor by the provincial legislature. When a balance came to be struck with the colonial treasury, the supplementary charges (*les extraordinaires*) of the army had to be taken into account. For the year above indicated, the government was indebted to the provincials £60,000, payment of which was demandable at any moment.

There was to be added to these arrears a deficit for the financial year ending Jan. 5, 1817. The balance at the disposal of the legislature amounted to £140,000; but the receiver-general had a debit against the colony of £7,500; and it appeared that in the foregoing balance were comprehended, also, three sums forming collectively £35,000, not disposable in any proper sense, as they were already appropriated, although not yet paid, to parties who had claims upon the state. The four sums, just mentioned, therefore, necessitated a deduction of £42,500 from the balance in hand,* which had to be added to the deficit of 1817. Add this amount to the excess over ordinary civil-list allowances for the year ending in 1815, and that again to the extra £19,000 spent but not sanctioned in 1816, and we have a grand total of £120,000 [*sic*], for which the government was indebted to the colonial exchequer.

The governor showed, in his despatch, how the constitution was violated. The voting of supplies by the people's representatives, is held to be an imprescriptible and essential right in all countries constitutionally governed. But for its exercise, a government might resent with impunity the interference of a legislature with the executive in any way whatever. Yet the latter, in the present case, was used to bring within the distinct purview of the former only a *part* of the expenses which had been incurred without parliamentary sanction. There was a separate account, at this time, made up chiefly of salaries to the clergy, and for pen-

* In the French text, the combined items are summed as £43,000.—*B.*

sions, forming a total of £6,000; which it was judged advisable to withhold. The governor now asked the minister what were fitting to be done, in order to square the public accounts. Was he to discharge the accumulated arrears of supplementary army expenditure; or was he to apply to the legislature for a grant of the amount, so as at once to extinguish the debt? In future, would it be proper to fill up the annual deficit caused by the excess of the usual expenditure over the sums voted to defray it, by taking the difference out of the army "extraordinaries"? or, would it be right to submit to the legislature, at the beginning of each session (as in the other colonies) a statement of the anticipated expenditure for the year, and demand votes of supply equal to the expected amount of outlay?

Earl Bathurst, in a responsive despatch, dated Aug. 31, 1817, stated, that it were preferable the accounts between the home and provincial governments should be regulated in an orderly manner; but that, under the circumstances, it was above all things important to be assured whether the silence of the assembly was not a tacit approbation of the employment of that money. For the use made of one portion of it at least, silence was, without doubt, to be taken for consent. For the rest he did not see, either, why silence should not be regarded as a tacit approbation both of the accounts and the mode of their settlement. Eight days afterwards, fearing he had made too large a concession, the minister sent a second despatch with some restrictions thereupon. In case the assembly, he wrote, should vote money to pay the stipends of the catholic clergy, and none for those of the protestant ministers, the governor was to employ every means in his power to get the legislative council to reject so partial an allocation, and withhold his sanction to the measure should it reach the council as a law. On the other hand, if the assembly were to vote the pay of the clergy in two specified sums, one for the catholic, the other for the protestant clergy, then the governor was to be observant of any partiality in the adjustment of the respective claims of each body; also to have a care that no money payment should be sanctioned in council on behoof of the catholic establishment, before the assembly voted pecuniary sustentation for the protestant clergy. His lordship recommended, also, that the governor

should be careful, generally, that the assembly should assume no power to dispose of any of the public moneys without the concurrence of the council. The assembly indeed (he added) had claimed to act independently in this regard, but thitherto without success; "and as," continued he, "the necessity of a concurrence of the whole legislature in a money-grant is the only tight curb which can be put on the action of the assembly, you (Sir J. C. S.) will agree with me in opinion, I doubt not, that it is now needful, more than ever, it should not be relaxed or abandoned."

Thus the right of voting supplies, which belongs by constitutional right to the people's representatives alone, was, according to these ministerial instructions, to be shared, in our case, with the members of a (so called) legislative council; a servile body (to use terms more truly descriptive of its nature)composed of men nominated by the crown, and consequently creatures of executive power.

About the time we have arrived at, a report got currency that the governor had received despatches from the colonial-office, in which the minister concluded to refer the accusations against Judge Foucher to the legislative council for consideration.* Such a decision, if come to, were tantamount to a refusal to entertain the subject at all. After some discussion, the councillors, willing to ascertain the truth, addressed to the governor a request for information on the matter; and, if a despatch regarding it had been sent to him, he was solicited to communicate it to the council wholly or in part. Sherbrooke replied, in a message addressed to both chambers, that the rumour was true, but that he had received no instruction as to the manner of carrying into execution the decision (*sentence*) but that he had written to London on the subject; adding, that he would communicate the ministerial reply as soon as received. This, however, was not sent; but brought by the Duke of Richmond, in the year following, when he came to Quebec, and handed it to the assembly. The response modified the first instructions of Earl Bathurst to the governor; because the crown lawyers in Canada, Messrs. Uniacke,

* Despatch from Earl Bathurst, addressed to Sir John Coape Sherbrooke, dated July 5th, 1817.

Marshall,* and Pyke, declared that in the legislative council lay not, like in the house of lords, the right of judging accusations preferred by the people's representatives. In terms of the amended instructions now sent, the duty was laid upon the assembly of bringing forward proof, in writing, of the culpability of Judge Foucher; and it was ordered that a copy of the act of accusation, with evidence appended, should be furnished to the accused, and time granted to him to prepare his defence; that the defence, in writing, should be handed to the governor, who was to communicate it to the assembly, which was to reply to it; finally, all these documents were to be transmitted to the colonial-office.

Now these formalities, to which the home authorities subjected the chamber, and which nevertheless seemed to be unavoidable, inflicted a deep wound on its dignity.

They believed that the colonial minister reserved to himself, in violation of all constitutional rules, the right of adjudication in secret, and in a manner absolute and conclusive. Nothing was better suited to impart vitality to the forms of discord which already existed.†

The remainder of the session was filled with debates on the budget. The total annual expenditure was estimated at £76,000; and as a sum of £33,000 was always considered to be at the disposal of the executive for each year, without any special voting, a grant of £41,000 only had to be supplemented for the current year. The larger sum was therefore conceded, in anticipation of a civil list being adopted.

Sir J. C. Sherbrooke, who had demanded his recal on account

* Marshall had been sent out from England as solicitor-general, with instructions to be helpful also to M. Uniacke, whose capacity was (pretended to be) unequal to the discharge of his duties as attorney-general.

† The French-Canadian members of assembly on this occasion, as on some others before, seem to have had the most exaggerated notions as to the right "constitutional" extent of the powers of a representative body in a mixed monarchy. They evidently believed themselves to be, if not quite omnipotent, multipotent at least; assuming the privileges not only of a British parliament,—commons and lords combined,—but arrogating also part jurisdiction of the *parlement* of Paris, or chief of the supreme courts of olden France.—*B.*

of his failing health, embarked for Europe shortly after the close of the session. It is confidently asserted that he was disgusted with the task he undertook to perform as governor of Canada. It is not easy to say what was his real idea of the governmental polity best fitted for the colony. It is probable that he was discontented with all the parties he found in it; and that he redoubted, more especially, the oligarchy—the tap-root (*source*) of discord. He was a man of much good sense, and of elevated perceptions, but who, aware of the influence which his principal subordinates had with the colonial-office, did not venture to contend with them—this the rather, because he did not approve of several opinions prevalent in the assembly.

He was succeeded by one of the greatest of British notables, the Duke of Richmond, a personage who had governed Ireland with more or less acceptance (*tant bien que mal*), and who was fain to pass, from one viceregal charge to another, to amend his fortune, which had been much impaired by dissipation and extravagance.* The high rank of this nobleman, the consequence that his name carried with it in Britain, inclined people to believe that his administration would be signalised by some important reforms, which might become a means for bringing to an end the divisions which were beginning to distract the country, on the subject of its finances. But his Irish governmental experience had corrupted him.† He arrived at Quebec in 1818, accompanied by his son-in-law, Sir Peregrine Maitland, who had been selected as lieutenant-governor, for Upper Canada. The chief citizens of the capital hastened to offer their respects to his Majesty's distinguished representative; but this homage soon became less ardent, for such hopes of its object as those indicated above quickly died away.

After an adjournment from Jan. 12 to Jan. 21 (1819) on account of the death of the Queen-consort, the chambers re-assembled, and Richmond pronounced an address to them on the state of the finances, the tenor of which gave rise to hopes that a satisfactory

* His Grace was a great "sporting" character, and much of a dupe on the turf.—*B.*

† The author adds, as a pendant to the above sentence: "Irlande, où le mal dessèche toute jusqu'au sol." What these words may mean we cannot divine; *Davus, non Œdipus sum.*—B.

solution would result of this irritating question. But when the assembly was presented with the schedule (*l'état*) of the estimated expenditure of the year, great was its surprise on perceiving an augmentation to the amount of one-fifth of the largest provision ever made for any previous year. If the government, thenceforth obliged to content itself with a fixation of the civil list for the existing reign only, chose the first example (*épreuve*) of popular liberality to raise the royal allowances to a level with the heightened prosperity of the country, the assembly was not disposed to entertain such a proposal on slight grounds. It had made strenuous efforts to vindicate its controlling power over the budget, mainly because great financial abuses existed, and the members expected (had pledged themselves, in fact) to reduce rather than increase public expenditure. The duke was not the right sort of man to regulate such a matter, having himself squandered an immense patrimony. He treated the subject with supreme disdain (*il prit la chose avec hauteur*); while the assembly-men, on their part, grew angry in the face of ducal resentfulness (*l'aspect menaçant du château*). The estimates were referred to a special committee, [the members of which made a long-winded and painfully detailed report]. This body recommended energetically the most rigorous economy, and the abolition of several sinecure offices.

As in a colonial dependency the control that a representative body has over the executive is necessarily less real than one in the mother country, where it is sustained by the public will; and as, in a colony, the government is, as it were, the embodiment of the mother country itself, also being able to fall back upon home resources, and, at a pinch, may become entirely self-sustaining,—it follows that colonial representatives are obliged to be more precautionary, at all times, than the deputies of the metropolitan people, in dealing with their (subordinate) executive. Further, although the imperial allowances are fixed, at the commencement of each reign, for its entire duration, the sum appropriated is so small compared with the whole amount of the yearly budget, that its weight is not sensibly felt by the tax-payers: while, if the general supplies demanded were not all or nearly all allowed, the government would be in a dead-lock. In Canada, the relative position of the parties was quite different: a colonial civil list being once fixed

for the sovereign's entire life, his viceroyalty could subsist conveniently without the help of the legislature; it might even dispense with the attendance of its members every time any dissidences arose, and virtually annihilate representation by repeated prorogations or periodical dissolutions.

Such cogent considerations as the foregoing determined the legislative assembly to persist in its pretensions. Looking more to substance than to forms, the chamber strove to obtain, through the civil-list allowances, the greatest obtainable influence over executive power. Therefore it was, that besides fixing their total amount for each year only, a majority of assembly resolved to have a hand in its distribution, that being liable to great abuse in the details. But this novel pretension, though conformable to the rule of right, met with opposition from some of the less exacting members. The financial difficulty at length resolved itself into this form: Shall the sum allowed for the civil list be granted in a lump (*en bloc*)? or shall it be accorded in divers sums, each for its own special purpose, by separate votings? The members least hostile to the government repudiated the latter alternative; because, they said, such a proceeding was without parliamentary precedent, and, besides, involved a breach of the royal prerogative. The greater number, on the other hand, asserted the unrestricted right of the people's representatives to regulate the disposal of the people's money; observing, that, if the British commoners did not exercise that right, their abstention was no renunciation thereof: but be that as it might (the oppositionists added), in Canada at least, the exercise of that right, said to be left in abeyance by the British lower house, was of vital consequence, and must be maintained, as a check upon sluggish or corrupt administrators and their subordinates.

Holding a middle course between those two extremes, some members inclined to vote the civil list allowances, not by distinct items, but conjointly, under collective headings (*chapitres*); or else that a round sum should be allotted for each department, leaving its distribution among the recipients at governmental discretion. This modification was not assented to; and the partisans of the detail system outvoting all others, the subsidy bill, founded on that basis being passed in assembly, was to be sent to the legislative

council. The salary of every officer was to be fixed by law; and when the chamber set itself to direct the employment of the funds it had already put at the disposal of the crown, it (purposely) omitted all mention of several salaries hitherto given to useless placemen.

These thrifty arrangements, however, became a dead letter for the time, as the legislative council scornfully rejected the bill; "the mode adopted in it for according a civil list being unconstitutional, unparalleled, and incompatible with the rights, even in direct violation of the prerogatives of the crown:" the councillors adding, that "were such a law sanctioned, it would give to the assembly-men, not only the privilege of giving or withholding supplies, but the faculty of prescribing to the sovereign the number and quality of his servants, and what exact wages he was to pay to each: all which would eventuate in making his Majesty's officers subservient to the electors, the latter being virtually their paymasters, and not his Majesty; whom, nevertheless, they were alone rightfully bound to honour and obey."

This result took no one by surprise. While the assembly was endeavouring to bring all public functionaries, in succession, under its jurisdiction,—a power derided at the time by them, but which they soon found to be redoubtable,—Mr. Ogden, one of its members, made incriminating representations, of a grave nature, against Judge Bedard, of Trois-Rivières—the ex-patriot of Craig's time. He was accused of neglecting his duties, of prostituting his judicial authority to glut his personal vengeance, of violating individual liberty, and greatly lowering the dignity of his functions generally.

It appeared that this judge, whose talents were worthy of a better place than that which he held in the small town whither he had been sent, during his declining years contracted intemperate habits; and, when excited by strong potations, his temper became very irritable. At such times, the pleaders in his court, taking advantage of his infirmity, were used to abuse their privilege of free speech, and instigate the former champion of the people's cause (*le vieux tribun populaire*) to compromise himself sadly, by his own discourses from the bench, in the estimation of the public. The gentleman who now came forward to accuse him, he had imprisoned for a libel, and contempt of court. The

assembly referred the charges now made to a special committee for examination, which reported that they had no solid foundation.

Such a continued war against the state functionaries as this, was a sure indication of the unquietness of the public mind. The existent oppositions, distrusts, and hatreds arose out of the mode in which the constitution was worked. It was evident that the struggle would lead to results yet more grave, if the cause for it were not removed. The constitution had accorded too little, and yet too much power, in some respects, to the people. There was no intermediate political body, independent of the colony, between the assembly and the legislative council, to prevent a clash of jurisdictions; the council depended upon the executive, and serving as its screen merely, became itself an instrument of discord rather than of harmony.

The inherent vices of the judicial organization were generally complained of, but no plan was proposed to remedy them. This was one of those difficult questions which the government found it not easy to deal with. The governor called, but in vain, upon the assembly to direct its attention to the subject: the latter was then too much taken up with the question of the supplies, and cared not to be turned aside from its consideration to a matter which could be taken up at any time, and had in itself no direct bearing upon the political rights of the colony. It neglected, in the same way, despite the messages of the governor, a project for the erection of a tribunal in the district of St. Francis, situated between Three Rivers district and the States of Vermont and New Hampshire. It nominated a committee of five members to draw up a statement of the crown revenues, and of the payments made by the receiver-general, since the establishment of the constitution; with detailed returns of the sums voted by the legislature, and of all payments on account made during the same space of time. The committee was also to strike a balance, ascertain what funds were in the colonial treasury, &c., and report progress to the chamber, with all convenient speed. This proceeding, wise as it might be in itself, had the appearance of casting suspicion upon the administration; it therefore was not entered upon, which was unfortunate for all parties, for the tax-payers, for the executive council,

and even for the functionary whom it most concerned, as there was found afterwards to be a deficit of nearly £100,000 in his department (*caisse*) alone.

Richmond, having been made to believe that the intent of the assembly was merely to get up an opposition, was irritated at the hardihood (*audacité*) it manifested by raising doubts of the faithfulness of the public functionaries; and, on proroguing the parliament discoursed thus haughtily: "I came hither to take in hand the reins of government of the North American dominions of his Majesty, with a sincere desire to realise the generous intentions, the benevolent views, of his Royal Highness the Prince Regent, and to promote in every way the well-being of the subjects of his Majesty. I flattered myself that I should experience the support of every enlightened person capable of appreciating the motives which induced me to accept my present charge. Full of confidence in your zeal, in your loyalty, in your knowledge of public and private interests, I have patiently attended to your deliberations..... As for you, gentlemen of the legislative council, I must say, you have not disappointed my hopes, and I beg to return you my thanks for the zeal and alacrity you have shown in all that more immediately belongs to your body; (but) it is with much concern I feel myself compelled to say, that I cannot express to you, gentlemen of the assembly, the same satisfaction, nor my approbation of the general result of your labours (at the expense of so much valuable time), nor yet of the principles upon which they rest, as recorded in your journals. You proceeded upon (*sic*) the documents which I laid before you to vote a part of the sum required for the expenses of the year 1819, but the bill of appropriation which you passed, was founded upon such principles that it appears, from the journals of the upper-house, to have been most constitutionally rejected: his Majesty's government has been thus left without the necessary supplies for supporting the civil administration of the province for the ensuing year, notwithstanding the voluntary offer and pledge given to his Majesty, by the resolve of your house, of the 13th February, 1810."

Just as Craig had done, the Duke complimented one chamber, and censured the other. The freedom which he thus took, permissible only during times of trouble and revolution in metropolitan coun-

tries, may be repeated in colonies; but if the (evil) consequences thence resulting are slower to arrive in the latter, they are none the less sure.

His Grace did not live long enough to learn the effect of his conduct; yet died in the conviction that public tranquillity had been assured by his polity! He wrote to Earl Bathurst that the people were satisfied with their constitution; and that perfect reliance might be placed in their loyalty, should the United States men ever invade the colony. After arriving at Quebec, he made a visitation in Upper Canada, and returned to it again after the session closed, in view of examining attentively the different military positions which it might be proper to fortify: a subject which ever occupied the attention of the home government. In 1816, its intent was, to leave the territory between lake Champlain and Montreal city in a state of nature, as the intermediate forests might serve for a barrier against the Americans; and Earl Bathurst being wroth (*fâché*) that settlements had been begun at Hemingford and in its vicinity, orders were given to prevent the opening of roads in that direction.

The governor-duke had reached, on his return, Richmond on the Ottawa (since called after him), an hotel, where he was bitten, as was said, by a fox: hydrophobia ensued, of which he died, after great suffering, in a few hours.* His remains were taken to Quebec, and deposited, with much pomp, in the protestant cathedral there, Sept. 4. Thus deceased one whose domination threatened the country with new troubles.

The colony was temporarily administered, first by the senior councillor, Mr. Monk, and by Sir Peregrine Maitland, governor of Upper Canada; afterwards, the Earl of Dalhousie, governor of Nova Scotia, came as governor-general.

The frequent visitations of our governors in the upper province began to create suspicions in the French-Canadian mind, that a plot was getting up in the dark against their race, the people of which were always looked upon as aliens in the colony that their ances-

* The Duke died Aug. 28, 1819. Mr. Christie makes no mention of hydrophobia, as his mortal ailment; merely reporting, that "he took ill and died, after a few hours' excruciating suffering." *Hist. L. Canada*, ii, 322.—*B.*

tors had founded (*dans la maison paternelle*). The arrogance and high-toned language of the deceased governor augured ill for their future destiny. A dissolution of the assembly, ordered by Monk, augmented previous inquietude among the people; for the executive could gain nothing thereby, if all things were to proceed in their accustomed course, as the electors were not at all likely to return men more accommodating than those just dismissed. Meanwhile, Earl Bathurst gave a kind (*excellente*) reception to M. Plessis, bishop of Quebec, who had gone to Europe, where he had business to settle in relation to his diocese. As the project for a union of the two Canadas was probably then under the consideration of the colonial-office, the ministry was in a proper humour for granting all the demands (*concessions*) of the clergy, in order to prevent their making any objections to a legislative union, a measure which they distrusted; and in accordance with British polity ever since the century began, the alliance of the church (*autel*) was sought for as ancillary to the executive in its struggle with the assembly. At Rome, too, an enlargement of the British American church establishment was in contemplation, extending the hierarchical jurisdiction already existent to all the provinces, the catholic populations in which had greatly increased in numbers. Early in 1816, the pope signed bulls constituting the see of Quebec as an archbishopric. M. Plessis apprehending that this measure, matured without the privity of the British governor, might give umbrage, wrote to cardinal Fontana, president of the college *de Propaganda*, to intimate, that he would rather decline the archiepiscopal title in his own case. At the same time, he presented three memorials to Earl Bathurst, who, he fancied, really had taken offence at the bulls in question having been expedited. The first of those memorials had reference to the division of the diocese of Quebec; the second, to the seminary of Montreal, a suggestion to sequestrate the estates of which had been made to the British government; the third memorial regarded the college of Nicolet.

He proposed to form the diocese of Quebec into a hierarchy composed of a metropolitan and five or six suffragan bishops. The minister raising objections to the introduction of foreign ecclesiastics, the bishop replied, "Preachers of all sorts have free access to Canada—methodists, 'new lights,' anabaptists, and what not be-

sides: not to mention that revolutionists, deserters, regicides, &c., are thence excluded by no law that I know of. Why, then, shut the door only against catholic ecclesiastics, coming from parts abroad; against young men carefully trained, strangers to politics, and disposed, by the very nature of their education, to uphold rather than to subvert lawful authority, and thus to become, as it were, a living dyke against democratic usurpation?"

For a length of time, the colonial-office had adopted a precautionary polity. The concessions it was disposed to make to the catholics, were by no means yielded out of regard for abstract justice alone. The ministry comprehended that the most important question it had to deal with in the colony was the religion of the majority of its inhabitants, because that was a lever by which the masses could be most effectually moved. The ecclesiastical difficulty, therefore, was that which, the colonial-office decided, should be first regulated.

Earl Bathurst invited M. Plessis to his seat near Cirencester, called Oakley-grove, when much conference took place between the twain, during the 24 hours they remained together. His lordship raised many objections to the contents of Mem. 1, but it seems as if he had given them up, from the tenor of his despatch of Sept. 17: as to Mem. 2, he at first tried to engage the bishop to consent to a composition; but at length agreed that, if the titles of the Montreal Seminary to the estates in question were as clear as was said, he could not deny that they ought to remain in the present hands. There remained only, then, the question regarding schools to be disposed of. The earl showed repugnance to sanction the bill which the assembly had passed regarding them, as believing that its provisions had reference to the catholic parishes only.

Returning to Rome, M. Plessis presented to the pope a memorial, similar to that given to Earl Bathurst, on the proposed division of the diocese; and he obtained the assent of Pius VII to the arrangement proposed therein; his holiness making a metropolitan see of the diocese of Quebec. He conferred, at the same time, the (honorary) title of archbishop on M. Plessis and his successors; but if any prelate of Quebec, after M. Plessis, may have taken the archiepiscopal title in his correspondence with the holy

see, M. Signelaï was the first to assume it publicly (in 1844), during the same year that he received the *pallium*, and when the sovereign pontiff combined the dioceses of Canada into an ecclesiastical province, under the jurisdiction of the "archbishop of Quebec."

Although the colonial minister manifested both sagacity and a liberal spirit in his permissive polity for re-organising the catholic church establishment in the provinces of British North America,* he nevertheless refused to sanction the educational bill, passed in assembly, uncil certain other measures, long under discussion, should have been adopted.† The bishop said, that the catholic clergy were opposed to the "Royal Institution," also to the bill of 1801 on schools, because that law put these under the charge of a commission almost entirely protestant. He blamed Monk, then in other respects not popular, for dissolving the assembly in 1819. But Monk did so, only the very day Sir P. Maitland left Quebec for Upper Canada; and as he staid but two days altogether in the city, it is probable that the order to dissolve emanated from him. The dissolution did but augment the agitation already existing, while it weakened the influence of the executive council; it also became a means for censuring governmental action, by proving, when the sense of the country was taken anew, that its spirit was at least as unconformable as ever to the wishes of the executive. The civil list question became a touchstone for testing the principles of members, most of those who gave courtly votes being rejected by the constituencies; and, from the outset, it was foreseen that the government would have a more refractory chamber to deal with generally.

As soon as the parliament met, the representatives elected their president; and voted, that, as they had not yet received the

* It was on the application of Lord Castlereagh, that the papal court nominated, in 1818, bishoprics *in partibus* to Messrs. McDonald and McEachern; and, with the consent of Earl Bathurst, Messrs. Lartigue and Provencher received the mitre. M. McDonald received the title of bishop of Regiopolis *in part. inf.* as a suffragan prelate in Upper Canada; and M. McEachern the title of bishop of Rosa, with a suffragan see comprising New Brunswick, Prince Edward's Island, and the Magdalen Isles.

† Despatches, dated May 20, 1820, and Sept. 10, 1821.

returns of the election for Gaspé county, they were not (constitutionally) in number sufficient to proceed to business. Maitland, who had returned to Quebec, sent a message to the chamber, soliciting that certain laws, about to expire, should be renewed. No answer was returned to the application. A resolution was even passed, to the purport that, if the Gaspé election report did not (at once) come to hand, the chamber could not sit at all during the current year; and that, as this default was one of the consequences of the last dissolution, the chamber had a right to regard that act as a violation of the constitution. This declaration being communicated to the executive council, the latter treated it as based on no proper foundation. The assembly, upon this censure of its conduct, refused to have any further correspondence with the council; and it is hard to say how long so embarrassing a state of things would have continued, but for the demise of George III;* an event which necessarily led to an immediate dissolution of the Canadian as well as British parliament.

The Earl of Dalhousie, nominated Governor of Canada, arrived in election time, the day being June 18, 1820. In a few days, he repaired to the upper districts, which he had already run over along with the late Duke of Richmond. The election returns showed that the composition of the new assembly would be substantially the same as the last. Parliament met Dec. 14. The governor made allusion to a multitude of subjects in his opening address; adding some observations which seemed to flow from the heart of a man who ardently desired that good-will and harmony should prevail. The colonial-office had taken in hand to realise the Union project, which now became the one great end of British policy in Canada. The governor was not warranted to make any concession on the subject of finance; it having been decided (at head-quarters) to listen to nothing tending, ever so little, to compromise the rights of the crown; and should a deadlock (*crise*) ensue, advantage was to be taken of it to re-unite the two Canadas

* He died Jan. 29, 1820; in the 82nd year of his age, and 60th of his (long nominal) reign. In terms of the late Regency Act, sittings of an undissolved parliament do not now necessarily cease on a demise, but a new one must be called when the current session of that in existence closes.—*B.*

(at once). Still the predominant power (*la métropole*) was not to show itself as directly bringing about the desiderated result: the rivalship of the chambers was to become the cause moving thereunto, and rendering the measure, as it were, inevitable. All that was needed, would be to back the council in its opposition to the assembly; to refuse every demand of the latter, and soon matters would become so perplexed that ministers should be able to prove to the Imperial parliament, that nothing but a union could cure the evil.

If the plan we have just traced was not, at the outset, literally laid down in the colonial-office, it is indubitable that the idea of it influenced, day by day becoming more definite, the ministerial mind; and at the point of time we have now reached, Mr. Ellice had almost persuaded the cabinet of the urgency there was, to propose the measure to the British legislature. This explains wherefore to all the demands of the representative chamber, how reasonable soever they might be, the council, under the inspiration of Judge Sewell, called out indignantly, that sedition was brewing and treason hatching!

So as Lord Dalhousie might be taught in time, that no general expressions of peaceful intents, or vague words of good-will, would lull the vigilance of the representatives of the people, the reply to the address (which was drawn up in committee by Messrs. Cuvillier, Taschereau, Neilson, Quesnel, and A. Stuart) proclaimed, in precise terms, the wishes and intents of the chamber in regard to the great question of the time, the Budget.

In the annual estimates, which were transmitted by the executive council, the civil expenditure was divided into categories, each corresponding to the various classes of functionaries and the nature of every outlay. The total sum of all reached £45,000.

The assembly discussed the whole, article by article, making several retrenchments; and trying to reconcile the council to annual voting, adopted the plan of disposing of the parts of the budget by chapters. Of its own mere motion, without waiting to be invited by Lord Dalhousie, the assembly voted a civil list of £46,000. But by thus taking the initiative, it gave umbrage to the executive. The members of council, who judged that some pitfall or other (*embûche*) lay under this unwonted financial volunta-

ryism, hastened to signalise the deficiencies in the supplies thus proffered. A certain portion of the public revenue had already received a special and permanent destination in virtue of pre-existing laws; and yet the assembly, in their appreciations, had taken it for granted that all might be done anew, and voted accordingly; doubtless because of a determination to bring every thing connected with expenditure and receipts under its own direct control for the future. The council viewed this resolution in the people's representatives, as a usurpation of power and intrusive ambition, which ought to be resisted and kept down; the council therefore rejected the assembly's civil list, declaring "that it (the council) had an incontestable right to conjoin in voting the supplies; that this right extended to the option of accepting or rejecting the ways and means devised by the assembly and sent for the consideration of the council; that any grant of money without the council's concurrence was in itself utterly null; that the council would entertain no enumeration of supplies till such were first demanded by his Majesty's representative, nor if it were divided into chapters and items, nor if the civil list were not fixed for the whole reign of the king. Finally, that the council would pay no heed to any bill of supply initiated by the assembly, unless it were one relating to payments for its own maintenance as a constituted body, or else to meet some unforeseen and urgent call made upon it."

The assembly-men promptly replied, in sentiments expressed by a great majority of their number, that the council was not entitled to prescribe and dictate to them the mode of dealing with the supplies, or with any other measure, and that any attempt, on its part to do so was a breach of their privileges; that the asserted right of initiating bills by the council, in that regard, was contrary to parliamentary usage and to the constitution."

The council, paying no regard to the foregoing protest, and persisting in its resolution, rejected the assembly's bill. In order that the government should not be embarrassed thereby, the chamber, by a special vote, put the needful funds at its disposition; but Lord Dalhousie intimated his opinion that, having maturely considered the subject, the assembly's grant, without concurrence of the council, would be illegal (*insuffisant*). The

matter stuck there, the council ruling that no scheme of supplies should receive its sanction that did not grant the needful in a lump, and with civil allowances fixed for the king's life; the assembly, on the other hand, persisting in its determination of voting by chapters, and only for each year: this with the design of controlling the executive by the omnipotent money-power. Such a control, moreover, was essential to the existence of the assembly; because, to use its own declaratory words, "the outlay for state wants forms almost the entirety of our public expenditure." The military force of the government left to it, besides, a preponderance considerable enough to make itself respected. The assembly willed, in brief, to assure to all its acts the most perfect independence; it would not allow others to censure or intimidate its members. There is nothing, in fact, more humiliating to colonists, than for their representatives to be exposed to insults heaped upon them by some governor, a total stranger to them, ignorant of their affairs, and yet whom blind chance has placed at the head of the executive for the time. The censures inflicted on the assembly, by the Duke of Richmond, and the prefatory resolution passed by the council, were brought under review by the assembly; the members voting, almost unanimously, on the motion of Mr. Neilson, that those acts were done in violation of their incontestible rights and privileges, being an assumption of power contrary to the laws and to the constitution itself. In terms of another resolution, the assembly re-asserted its right, in voting the supplies, to adopt such a system, or follow such an order of things, as was comformable to its own ruling in the matter.

The importance of the financial question had obliged the chamber to neglect several measures, but which it was resolved should be taken up early in the ensuing session. Time was found, however, for giving some consideration to the subjects of the crown lands, the public funds, &c., and the assembly nominated Mr. Stuart as its agent in London. In an address to the governor numerous abuses were pointed out, and the abolition of several sinecures proposed. He was solicited, in particular, to withhold payment of the salaries accorded to a lieutenant-governor who had never set foot in the country; to a nominal but non-resident governor of Gaspé; and to Mr. Amyot, provincial secretary, for so

long a time as he fulfilled none of his functions. It was resolved further, that the presence of a Lower-Canadian agent in London, would be of manifest advantage to its inhabitants; that no salaries should be paid to non-resident councillors; that the conjunction of the charge of admiralty judge, with the functions of a judgeship of the king's bench in one person, was improper; and that the combining a judgeship in the king's bench, with the functions of a French translator, or with those of an auditor of the public accounts, was even more so. Lastly, the assembly solicited the governor to apply a remedy to a yet more crying abuse, namely, a custom obtaining in the admiralty court, where the suitors had to pay fees to the judge although he received a salary from the state. These irregularities were so grave, that Lord Dalhousie promised to the chamber he would make the British ministry acquainted with their existence. But when resorting to a (sudden) prorogation of the legislature, he addressed the assembly in a way that left no doubt in the minds of the assembly-men, that the polity of the colonial-office was unchanged in their regard; his lordship blaming them for wasting time in an exposition of constitutionalism, all the while leaving the executive destitute of supplies, and postponing legislative ameliorations.

Public approbation, however, ever backing the proceedings of the chamber, it now became plain that if one of the contending parties did not yield, a crisis would soon ensue. As M. Papineau was the most influential leader of the country party (*les Canadiens*), the colonial-office, at the instance of Mr. Sherwood, tried to gain him over. Lord Dalhousie was ordered to receive him as a member of the executive council; but, as the popular nominee knew well his single voice would find no echo at that board, he never took his seat; and, as the expected advantage to be derived from a supplementary councillorship was never likely to be realized, it was suppressed in the year 1823. Mr. Hale, already a member of the legislative council, and colonel Ready, civil secretary, were nominated members of the executive council, at the same time as M. Papineau.

The governor visited Upper Canada in the course of the year, under a pretext of examining the fortifiable parts of the colony; but with the aim, in reality, of sounding public opinion, and re-

porting its several tendencies in both provinces, all in view of bringing about their union. In winter ensuing (December 11, 1821) he met the legislature, and advertised the members that it was the desire of his Majesty they would vote the colonial civil list allowance for the whole duration of his reign, such being the regular parliamentary practice. This new declaration would have banished all hope of a reconciliation of dissidence on that (literally vital) point between the assembly and the ministry, had any such existed. Still the reply of the chamber was reserved in its tone, and carefully respectful regarding the constitution. The governor, in rejoinder, intimated his hopes that any discussion on the matter would be calm and dispassionate; but he declared, in advance, that the according of a civil list, in the form prescribed by royalty, would be a *sine quâ non*; adding, that if such were not voted by a majority in assembly, no harmony need be expected between the three branches of the government (*la législature*). The representative chamber, however, was determined not to relinquish the exposition it had begun of the faultiness (*défauts*) of the government. When the budget was officially presented, Lord Dalhousie was requested to furnish a detailed statement of the expenses of the civil administration of the colony, such as they were fixed by the royal instructions of the years 1792, 1797, 1810, and 1818. He replied, that he believed it would be a betrayal of his duty were he to send, for the inspection of the chamber, the confidential correspondence between the crown and its personal representative in Canada.

The members proceeded to examine the estimates sent, as not meaning to meet the demand made upon them by the governor with a sudden and absolute refusal, but temporise rather, and with that intent an adjournment was proposed; whereupon, M. Taschereau (who had just been gained over) suddenly proposed to adopt the financial rule laid down to the chamber, in order that no further doubt should exist on the subject.* The colonial-office had

* The words in the French text (iii, 221) are, ".... pour faire disparaître les doutes," which, if we apprehend the author's meaning rightly, intimate that M. Taschereau was set on to make a proposal which was sure to be promptly rejected, perhaps with indignation; and thus the chamber be inadvertently surprised into a renunciation of its previous caution, and committed to an extreme course: (*sed qu. ?*).—*B.*

brought matters to such a pass, that prompt and decisive means were wanted to attain its great end. Only five members voted in favour of Taschereau's motion. The majority, in negativing it, however thought proper to explain the motives that impelled the members to this decision; which arose, it was said, chiefly out of such considerations as we have already developed, and were of a nature not unconformable to the offer made to the executive in 1810, and accepted by the Regent in 1818. These explanations having been embodied in an address to his Majesty, Lord Dalhousie undertook to transmit it to London. Concurrently, the assembly nominated Mr. Joseph Marryatt, M.P., as agent of the province, in Britain; accompanying the appointment with a paper of very voluminous instructions for his guidance, when dealing with the home authorities and while communicating with his Canadian employers.

The council, apprehensive of the effects likely to result from this agency, hastened to declare that the assembly, in making such an appointment without the consent of the other branches of the colonial government (*législature*), had taken upon itself a perilous authority; that to make such an appointment, was a direct breach of the royal prerogative, and an attempt to set aside the constitution. When Marryatt learned that a conflict of opinions had thus followed upon his appointment, he refused to act; under pretext that it would be unconstitutional to do so, unless the charge were sanctioned by the council, and the governor approved of the choice made. The assembly, meantime, persisting in its own course, refused, in despite of a special message from the governor, to vote supplies, and even passed a resolution making the receiver-general personally responsible for whatever moneys he might pay to government order, if unsanctioned previously by the chamber. Matters having come to this pass, Lord Dalhousie judged that the artfulness and reservations he had thitherto employed to gain his end the better, were no longer useful, and therefore determined to communicate to the assembly-men the reply of the ministry to their demands of the year preceding. That reply, if sent to them at the opening of the session, would have occasioned an explosion. "The lieutenant-governor of Gaspé," thus wrote his lordship, referring to a denounced sinecure, "is one of the least dispensable

of our officials, and, instead of retrenching his salary, it ought to be increased. As for the provincial-secretaryship, care would be taken at the decease of the present holder of the place, to appoint a resident functionary. The colonial agency again had always existed, and there was nothing that could be laid to the charge of the present agent to warrant his discharge." The consideration of other matters complained of was, it would appear, postponed by the executive.

There was a small minority in the council, the members of which, inforned of certain menaces beginning to be thrown out against the (French) Canadians, thought it would be advisable to make a demonstration in the sense of the opinions of the chamber on the civil list. Fearing the results of a too long struggle on such a question, M. Debartzch proposed to revoke the resolutions of the preceding session. The majority exclaimed against such a retrogression. "How can we revoke our resolutions," demanded Mr. Richardson, "when a secret committee of assembly is at this time sitting, and deliberating perhaps at this very moment on the nomination of a governor? yes! meditating the dismissal (*révocation*) of the one we now have, to be replaced by another of the assembly's own choosing! A (permanent) committee of assemblymen exists, unknown to several members of the chamber; a thing unexampled in British history since the times of Charles I. That conclave is perhaps a second 'committee of public safety.'" Thus did this credulous councillor intimate, that a majority of the assembly had revolutionary designs. Several representatives present at these council debates, took umbrage at such charges, and imparted the sentiments inspired by them to their colleagues. M. Quirouet was one who reported what he had heard himself. A committee of five was forthwith constituted, the members of which drew up a report that became provocative of discussions, evincing the profound antipathy existing between the two legislative bodies. The report was adopted by a large majority of the assembly; the language of Mr. Richardson being denounced as false, scandalous, and malicious, also as tending to destroy the confidence of his Majesty in the loyalty of the people and their deputies. It was declared that such imputations as were thrown out in council, were a serious breach of the assembly's privileges; and that the

council itself should seriously visit with punishment, severe in proportion to the crime, the wrong intended to be done by one of its members: lastly, the assembly admonished the governor that his duty was, to deprive the guilty party of the places of honour, confidence, and emolument, he held of the crown.

Two addresses, conformable to the foregoing, were drawn up and sent, one to the governor, the other to the council. The former, in reply, said that the document contained matters of the gravest character; that the resolutions adopted by the chamber appeared (to him) to be couched in language beneath the dignity of a deliberative body; that they violated the privileges of the council and freedom of debate; and, for these reasons, he begged to decline acting as he was called upon to do in the address transmitted to him. The council, on its part, declared that it would not be compatible, either with its honour or its rights, to enter upon the consideration of an alleged infraction of the liberties of assembly, before that body should itself make reparation for the violation it had just committed of the privileges of council, by demanding the suspension of Mr. Richardson from his functions, —presuming to subject a member of council to censure and proposed punishment! The chamber, returning to the charge, protested against attempts constantly making to destroy all confidence in its honour and loyalty; and (thus) neutralizing its efforts for advancing the public interests: finally, repeated its previous assertion of the incontestible right it possessed, of repressing abuses by every means that the constitution placed at its disposal.

This conflict still further augmented public irritation. The assembly manifested too much susceptibility on the occasion. Good policy would have dictated to its members a course directly the reverse of that it did adopt, as a proof of their own moderation. Meanwhile the governor, seeing that they were not to be shaken in their resolution regarding the supplies, informed them that he intended to defray the costs of the government out of the funds which laws already passed had put at his disposal.

Concurrently with the agitation on parliamentary supplies, that of the division of the customs receipts, between Lower and Upper Canada, was debated. The trade of the latter province with Britain could only be carried on through the former. The rule to be

observed in sharing the nett returns, had been made the subject of many difficulties and long discussions. In terms of the first convention between the parties, concluded in 1817, Upper Canada received a fifth of the customs dues levied at Quebec. For some time anterior to the present (1822), the Upper-Canadians had been demanding a larger share, under pretext that their numbers had largely increased. To settle the matter, each province appointed two commissioners, and the four had several conferences at Montreal, but without being able to come to an arrangement. The Upper-Canadians, instigated by our assembly's enemies, who mustered strong in Montreal, put forward high pretensions, demanding, besides an augmentation of the quota allowed them by the treaty of 1817, £20,000 of arrears, the alleged amount of unpaid drawbacks; also £10,000, a sum which, their commissioners alleged, was due to them previously to the foregoing agreement being come to. Our commissioners repelled the first-indicated pretension; and refused to enter into any consideration of the two others, till further instructed. The Upper-Canadians then appointed an agent to repair to their mother country and demand an interposition of the home government in their behalf. Lord Dalhousie did not make known to the legislature till the following session these difficulties, which might have furnished a new reason for effecting a Union, towards which, people said, he was secretly inclined. This delay in communicating what he knew on the subject, was made a cause of reproach against him afterwards, as a betrayer of the interests of the province the king had confided to his care; but he excused himself by alleging, that he had received authentic news of the affair when too late.

The assembly, informed through the public prints of what was going on, hastened to protest, just before the session closed, against the claims of Upper Canada, in regard of the customs, imports, and to declare, that it was ready to sanction all arrangements that might be proposed for facilitating the transit of seaborne merchandise, by way of Quebec. Two days thereafter, the governor prorogued the parliament.

Messrs. Papineau, Neilson, and Cuvillier were the members of assembly who led the chamber in its opposition, on the finance question, to the colonial office; whose behests, again, were supported

by the governor and the council. Papineau and Neilson discussed principally, Cuvillier vindicated them with figures (*la comptabilité*). The trio proved that they were not to be taken at a disadvantage in matters of finance and taxing: but, if reason were on their side, power was possessed by the other; and it was used to dissolve successive parliaments, with a view to intimidate (or weary out) the people's representatives. Scarcely had one session been allowed to exist its proper time, for a series of years past. It was needful that so anomalous a condition of things should have an end; for public business was constantly in arrear, and the public mind becoming more and more unsettled. This embroilment of affairs finally became the philo-unionists' wished for opportunity. The clashing interests of the two provinces in regard of the customs revenue became, in their eyes, a sufficing reason, in itself, for realising their favourite measure. Lower Canada, they allowed, was opposed to it; but not, they averred, to the extent of resisting it by open revolt. Besides, if such a tendency manifested itself, the all-powerful influence of the Catholic clergy might be reckoned upon (it was intimated) for keeping it within safe bounds. In a word, the British ministry, ever urged on by Mr. Ellice and his friends, resolved at length to execute their great project, and bring into the Imperial Parliament a bill for revoking the Canadian Constitution of the year 1791, and re-constituting once more the government of the colony.

CHAPTER II.

FIRST UNION PROJECT.

1823–1827.

A Union of the two Canadas desired by the British-derived inhabitants of Montreal.—Concerning their agent, Ellice.—This merchant's history.—The Union project brought in clandestinely to the Imperial Parliament.—Parker sounds the alarm.—Sir James Mackintosh and Sir Francis Burdett arrest the further progress of the Union Bill in the commons. Nature of its provisions.—The project adjourned.—Sensation its introduction to parliament produced in the two Canadas.—Petitions against it: Messrs. Papineau and Neilson sent to London.—They draw up an able memorial on the subject for presentation to the government.—The ministry abandon the measure.—Communications between Messrs. Ellice and Papineau.—Estimation of the former, by Sir James Mackintosh.—Opinion of Sir Francis Burdett on the Union.—Interview of M. Papineau with Earl Bathurst.—Opinions of statesmen as to the probable duration of the American federation.—Amount of the Caldwell deficit.—Religious affairs.—Lord Dalhousie visits England and returns.—The supplies refused.—Insulting discourse of the governor in proroguing the chambers.

At all times, a desire for the union of the Canadas had been the secret wish of the British party in Montreal, its hostility to the French-descended inhabitants daily increasing, proportionally to its desire to domineer over the latter. Avarice, no less than ambition, nourished its hatred to our race; that hatred finding an answering sympathy in Britain itself through national and religious prejudices common to both, aided by calumnies against the objects of their mutual dislike. The Anglo-Canadian party had the exclusive sympathy of the British people; the colonial minister received all his inspirations from its members, and the governors always threw themselves into its arms, in order to secure its support for themselves, and be assured of its influence in London, where the Gallo-Canadians had never ceased to be looked upon as aliens.

It will have been perceived that the governmental career of

Dalhousie, ever since it began among us, was of an unvarying character, and seemingly all traced out beforehand. He, in fact, enunciated his ultimatum (*son dernier mot*) in his first discourse to the chambers. "No concessions shall be made; and the resolutions of the Assembly will be treated merely as so many defendant's memorials, making a stage in the progress of the great process getting up against the colonial deliberative body, to be tried before the parliamentary tribunal of Britain, the (anticipated) sentence to be, abolition for the former." This predetermination it was which occasioned the deadlock of 1822; including the refusal * of supplies by the assembly, and the quarrels between Lower and Upper Canada.

From two centres, and for diverse reasons, issued the accusations against that chamber, wherein were reposited the public spiritedness, the sympathies, and the interests of the French-Canadian people. The ultra British party had always longed for a union, as was well known, with the intent of swamping the latter entirely. It was with that end in view that Lymburner protested, before the house of commons, against the division of the province, in 1791. But in 1823, when Messrs. Papineau and Neilson, knowing that his sentiments had undergone ac hange during the intervening years, sought an interview with him in London, hoping to engage him to aid them in forwarding Lower-Canadian views, he observed, "I have now by me several letters from old friends in Canada, who have made reference to our mutual attempts, in days long past, to prevent the colony from being parted into two provinces: that division was an error in itself, for an amalgamation of the two races would have been effected more speedily without than with such a separation. But

* Thus runs the author's French text, in the second paragraph of the present chapter:—"On a pu voir depuis son arrivée la marche de Dalhousie a été régulaire et comme tracée d'avance. Il a dit son dernier mot dans son premier discours aux chambres. Aucune concession ne sera faite; et les résolutions de l'assemblée ne sont recueillies que pour servir de pieces dans le grand procès qu'on se propose d'intenter a ce corps délibérant devant les communes de l'Angleterre avant de le faire disparaître. De là la situation des choses en 1822: refus de subsides et querelles avec le Haut-Canada." III, 226–7.

it would be unjust, now-a-days, to undo what was done; for, since then, distinctive habitudes have taken root, separate interests have grown up, and a new legislation has been founded. I, therefore, have advertised my friends aforesaid, that so far from sustaining the views they take of the matter at the present time, I shall employ whatever influence I possess over the minds of public men here, to make the renewed enterprise miscarry; for I do not wish the imperial government to stultify itself, or become hateful (*odieux*) in America." If Mr. Lymburner were now one of the anti-unionists, others had taken up (and were turning to account) the opposite ideas he once maintained so stoutly. The North-West Company, too, which had much influence in London, had for its resident directors in Canada, Messrs. Richardson and MacGill, two of the most enthusiastic members of the British party. Mr Ellice, whose father became a leading trader in the colony, after being a clerk to the Lotbinières, had bought from that family their seignory of Beauharnois. By a train of lucky chances, Ellice junior had become a person of consequence in England. From Canada he passed to the West-Indies, and there married a daughter of Earl Grey, widow of a military officer. In after years, his Lordship became the leader of the whig party; and Ellice, though a man of no talent, through his family connexions became an influential personage. Although passing for a ("true blue") whig in Britain, Ellice became the intermediary of the Canadian tories with the tory cabinet in London, in order to undo the work of Pitt; and he it was who, in 1822, finally induced the ministry to bring into the commons the union bill of that year. The latter were on the point of adopting it, for all was going on swimmingly towards that consummation, when an ex-trader of Canada, named Parker, became aware of what was in progress.

This person, who had neither talent nor influence, was yet redoubtable through the mortal dislike he had for Ellice, whom he had accused, in times past, of divers frauds, in his speculations with other traders. Parker lived retired in England, upon a fortune he had made in Canada. As soon as he found out that the Union bill, then passing through its early stages in parliament, was the bantling (*œuvre*) rather of Ellice than of the ministry, he hastened to the colonial-office, and denounced it for the

work of a scoundrel (*fripon*): but no attention was there paid to his representations. They found, however, more acceptance with Sir James Mackintosh, Sir Francis Burdett, and some other (distinguished) commoners. An opposition was got up against the bill, and it was thrown out on the second reading. It was at this time were heard those strange expressions, emanating from Mr. Wilmot, a member of the cabinet: * "I implore the house to pass this bill at once. If it be postponed till next year, so many petitions against it will be poured in, that it will be all but impossible to carry it, however beneficial its provisions are, even for those who will resist it, through ignorance or prejudice. It is of the greater consequence that it should become law, if only to solve the difficulty which has arisen through the contestations of the legislative council and provincial assembly of Lower Canada." Despite this earnest official adjuration, Sir James Mackintosh and his friends successfully persisted in their opposition to the measure, which thus got shelved, for a year at least in any case.

The bill, thus disposed of for the time, much abridged colonial freedom in general, and that of Lower Canada in particular. It gave to the latter a far smaller modicum of representation than to the upper province. It vested in the council—a body of crown nominees—the privilege (*droit*) of taking a part in the discussions of the people's representatives. It abolished the use of the French language (in the debates and public acts of the legislature); and limited the religious liberty and rights of the catholic (Canadian) church. It restrained, too, the right of the assembly touching the disposal of the imposts levied for state uses. Briefly, the whole measure was drawn up with the most hostile feeling to us, and with a decidedly retrogressive spirit: had it passed, it would have reduced every French-Canadian almost to the abased state of an Irish catholic.

Intelligence of the furtive introduction of such a measure as that to the commons house of parliament, created a profound sensation in Canada. A cry against the perfidy of its concoctors

* A mistake. Sir Eardley Wilmot could not be a member of the cabinet. He was at that time, we believe, under-secretary of state for the colonies.—*B.*

forthwith arose: "There could be no longer any doubt as to the nature of the ministerial resistance to the will of the country regarding the (vexed) question of the supplies. The aim of all became too apparent!" Still, good-will for the British people was not quite extinct in the Canadian breast. Public meetings, however, were immediately convoked, in all parts of Canada, to enter a protest against the conduct of the home government on the occasion; and committees of remonstrance were organised to draw up and transmit petitions, signed by or in name of the French-Canadian people, for presentation to the imperial parliament, to stay the progress of the measure then (supposed to be) under its consideration. Montreal and Quebec set the example.* On the 14th of October, a counter-demonstration took place at Montreal, at a meeting of the unionist partisans, Mr. Richardson acting as chairman in this their first public meeting. Several of the persons present on the occasion uttered discourses, in the course of which they voiced, without restraint, to their antipathy against the French Canadians; some of them giving vent to a pent-up hatred which they had long concealed. Of this species there was a remarkable exemplar in the person of Mr. J. Stuart, the very man who had been previously designated, so many times, by the assembly as worthy of becoming its agent in London; but who now discredited its choice by disclaiming sentiments which he once professed to vindicate with the utmost ardour. "The reasonings of the French-Canadians," he now said, "are founded either on prejudices, which ought to be extirpated; or on (petty) local interests, which ought not to be taken into account in the settlement of the present question." As if the language, the laws, the institutions, of a people (to use the words of the *Spectator*), could be rightly classed as "prejudices"! A portion of the British-derived inhabitants, settled in the new townships (*cantons*) of Three-Rivers and Montreal, near the American north-eastern frontiers, followed the example set them by their compatriots of Montreal. But in Upper Canada, a majority of the

* The Montreal meeting took place, Oct. 7, 1822; it was presided by Messrs. Guy [Gugy?] and Viger. That of Quebec was holden Oct. 14. In both towns, committees were nominated by those present.

inhabitants pronounced against the projected union; declaring generally that they were well content with the constitution as it then stood, expressing a desire, at the same time, that it should be transmitted unimpaired to their posterity: remarking, also, that the Union bill then in parliament would abridge, instead of extending, their rights and liberties. This (unexpected) opposition disconcerted the unionists, who began, in a short time, while they were waiting the result, to despair of their cause.

Meanwhile petitions, crowded with opposition signatures, were getting up; bearing the names of seigneurs, magistrates, ecclesiastics, officers of militia, farmers, traders, &c., to the number of 60,000 and upwards. In contradistinction to the petitions of their adversaries, those of the remonstrants were couched in befittingly moderate language, and solicited only that justice should be done in the case. It sufficed them, that the truth had been stated by their exponents with the calmness and gravity the occasion called for; their motives being good, their cause sacred, and the proffered reasons why "the bill should not pass," likely to carry conviction to the mind of judges called on to proscribe a people without allowing them an opportunity to show cause against the infliction. These petitions were transmitted to London, during the recess of the provincial parliament; the representative branch of which, as soon as it should be allowed to meet, would, as a matter of course, lift up its voice against the Union project, in name of the whole country. They were confided to Messrs. Papineau and Neilson, as were also those, drawn up in a kindred sense, transmitted from Upper Canada. Not waiting for what might ensue, the governor convoked the parliament for early January, 1823. M. Papineau, president of the assembly, being absent, a substitute had to be found; and M. Vallières de St. Réal was, by a majority of votes, elected to fill the chair, preferably to Messrs. Bourdages, Viger, and Taschereau, proposed in succession by their respective friends for the presidency.

The assembly immediately entered into a discussion on the Union bill, and passed the most energetic resolutions in its denunciation. Mr. Ogden, leader of the unionist party (*l'opposition*), proposed an amendment in its favour. "The Canadians," said he, "can have no hostile feeling against the subjects of their own

sovereign, nor, by consequence, any repugnance to adopt the language, the manners, or habitudes (*caractère*) of the great family; or to form, for the interest of all, one dependency out of the two provinces. The union between England and Scotland had the happiest results. The interests of the people of the two Canadas ought to be the same. It is true that groundless prejudices were given up, in order that harmony should prevail. It is unnecessary to explain what has occasioned the alarm taken at the measure submitted to the house of commons; that, as the government knows, has been caused by jealousy; by distrust of the honour, of the regard for justice, which really actuates the executive; that evil is due alone to those who, with too much success, awaken the apprehensions of the ignorant and inconsiderate. It is, sometimes, the duty of legislators to benefit the many, even in their own despite."*

Mr. Ogden's amendment was not entertained, as its tenor was in direct opposition to that of the resolutions adopted just previously; and only three other members adhered to its terms, when the mover appealed to the assembly against the decision of the president which ignored it.

* Ay! so says every one now, as well as did Mr. Ogden. But, this time a century ago, opinions on the subject, in both of the "*paired not matched*" British kingdoms coupled by the act of Union (*or* disunion) corruptly and treacherously consummated in 1707, were very much divided indeed. Thirty years before 1760, again, the Union with England still stank so much in Scots nostrils, that there was not a true man in North Britain who would not have parted with a finger from either of his hands, could the dear fatherland have been thereby disenthralled from English oppressions and insolencies. Talk of French-Canadian or even of Irish "wrongs," (except as regarded religion in the latter case): they were justice itself, if put in comparison with the grievances and humiliations the Scots had to endure for half a century posterior to the Union epoch. Scotland, up till the close of the 18th century, made herself what she then was, and still is—one of the best-considered, if not the most considerable nations of Europe—not by the grace of England, but in spite of her. The English people as a people (their rulers being usually somewhat exceptional in spirit), ever did their best—and worst—to keep their fellow-subjects of North Britain in the back-ground of every field, but that of war.—*B.*

The legislative council itself, intimidated by the all but universal public demonstrations against the measure, declared, after prolonged discussion, against the union of the two Canadas; (but only) because, if effected, it might embarrass the administration. As the assembly had done, it sent addresses on the subject, in that sense, to Messrs. Papineau and Neilson, for transmission, one to the king, and one of two others for each house of parliament. These were not voted, however, without some opposition; for the most ardent unionists in the council, Messrs. Richardson, Ryland, Grant, Irvine, McKenzie, and Felton, protested against the resolution come to by the majority; the latter, for once, setting themselves in direct opposition to the secret polity of the colonial-office. The editors of the *Canadian Times* of Montreal, also, in accord with the six protesting councillors, printed diatribes (*articles violents*) against the majorities in the two chambers; which strictures provoked the assembly to order the writers or printers of them to be arrested as libellers; but their persons were (fortunately) out of the assembly's jurisdiction.

During the interval, the settlers in the Eastern Townships, impelled by government agents, complained that their interests had been neglected by the Lower-Canadian legislature; and demanded that they should be represented therein. Lord Dalhousie thereupon recommended, that the Imperial Parliament should be applied to, to enable this to be done. The governor, in a despatch dated April 5, 1825, to the colonial minister, approved also of the council's having rejected the bill passed for increasing the general representation. The authorities knew not what step to take, in order to neutralise the numerical preponderance of the French-Canadians in the assembly, or how to augment the number of the representatives of British origin: the members of the latter race already much exceeding what the relative amount of the Anglo-Canadian population of the lower province warranted. Nevertheless, the assembly accorded the right of representation to the Eastern Townships; which were, for that purpose, detached from the districts of Montreal and Three Rivers, and erected into the electoral district of St. Francis: in which, also, were established courts of law, and judicial jurisdiction, having the village of Sherbrooke for its central point (*chef-lieu*). At the solicitation of the

government, the assembly likewise granted an increase of salary to Sir Francis N. Burton, who had just come to the country as lieutenant-governor.

The chamber still wished to nominate Mr. Murrysatt as agent for the province in London; but as soon as this was proposed, the council resisted as before. The assembly sanctioned by its votes the unaccredited expenditure of the governor, during the suspension of the supplies, and also accorded divers sums for public and charitable uses; such as £50,000 for the Chambly canal, £12,000 for that of Lachine, £2,000 for the encouragement of agriculture, £850 for Montreal general hospital, and £2,000 for the Hôtel Dieu of Quebec.

It was expected that the vexed question of the supplies would now be taken up, with a repetition of the debates which had troubled the country during so many years; but, contrary to the expectation of many persons, the difficulty received a temporary solution, through the government taking the precaution to separate, in the estimates sent to the assembly, the civil list allowances from the other items of anticipated expenditure. This evasive device (*distinction*) displeased both contending parties; but, by having recourse to general terms, susceptible of double interpretation, hostile pretensions were neutralised, and the supply bill was allowed to pass the assembly, which on its part sanctioned it also, probably at the instance of the higher powers. That some underhand influence was exerted upon the members is presumable from the fact, that the council intimated it gave way in this instance for special reasons, but which would not prevent it from rejecting such a money bill in future.

The council, as a body, received a discrediting shock, about this time, through the bankruptcy of one of its chiefs, receiver general Caldwell. For a long time, the assembly suspected that functionary of malversation; for its members could not see how a person, of capital so limited as his, could engage in trading speculations to the extent he did, without diverting public moneys from their proper uses. One of the chief motives, in fact, for the assembly's persisting in its mode of granting the supplies, was to constrain the government to furnish a clear statement of the actual condition of the colonial finances. The opposition, which knew this

fact, used every effort to cause the assembly's desire to be frustrated. The leaders of opposition being intimate friends of the receiver-general, attending at his feasts and sharing in his (seeming) opulence, were induced for these reasons, added to class sympathies (*sympathie de caste*), to back his pretexts, and sustain whatever reasons he chose to assign, for refusing (or delaying) to furnish to the assembly the financial information they usually demanded of him. But all things have an end; and Caldwell was obliged to announce, in 1822, that he had no more funds to defray charges for part of the year yet to come. The chamber declared that the receiver-general ought to have in hand, by estimation, at least £100,000; and that it would sanction no further reimbursement, to favour unconstitutional operations. This refusal, which on any other occasion would have led to a wrangle, (*une crise*), was received almost without a word of complaint by the executive council, which evidently wished to eschew (for the time) a feud with the assembly, and even, contrary to custom, testified its contentment with the sessional business that had been transacted. The governor, on his part, upon proroguing the parliament, said, "I have seen with satisfaction that the different subjects submitted for your consideration in the course of this session, have been discussed with all that diligence and attention which the peculiar circumstances of the province so much required..... It only remains for me to offer my warmest thanks for your assiduous and laborious attendance. The hopes I lately expressed to you have been fully realised; and I think it must be gratifying to you to be assured, that I esteem the result of the session to be at once honorable to yourselves and useful to your country." But, at the same time, he deprived Mr. Neilson, jun. of the governmental recognition of his newspaper as the official *Gazette*, and bestowed it on a new journal, which he caused to be established in Quebec, under the direction of Mr. Fisher, one of the editors of the New York *Albion*. He thus punished the son for the opposition (*conduite*) of the father; and, at the same time, set up an organ under his own patronage, upon which he could always reckon for inserting his communications, and defending his acts. In this regard, he followed home precedents. But every British ministry, which has its hired journals to maintain cabinet opinions, is

responsible to parliament for its acts; so that, after all, ministerial newspapers are but exponents of the political party which has a majority in the two houses, and is in power for the time. In Canada, on the contrary, (such) responsibility not existing, and the government not being (necessarily) sustained by a majority, the official journal, far from becoming more influential through the direct countenance of the executive, is likely to lose it as soon as it begins to advocate unpopular doctrines; and this result had not long to be waited for in the present case.

Messrs. Papineau and Neilson had been received in London with distinguished consideration. The unanimity among the Canadians (in repudiating the Union bill) at first stayed the action of the ministers, and they promised to withdraw the measure. At the first interview the two delegates had with under-secretary Wilmot, he said to them, "Rest assured of the truth of what I now say, but you need not repeat it: the government desires that there be no further discussion (*bruit*) in parliament on the Union subject, and it will not be proposed for this session." They hastened, nevertheless, to communicate this assurance to Sir James Mackintosh, who congratulated them on the turn affairs had taken; assuring them that they might rely on the cabinet pledge thus given.

They had already solicited the aid of the party called "the Saints," composed of dissenters.* They now, at the instance of the colonial under-secretary, abstained from sending in petitions for presentation to the two houses of parliament, and contented themselves with remitting to the minister a memorial detailing the reasons which the Canadians had for adhering to the constitution of 1791.

It was advanced, in this memorial, that nine-tenths of the inhabitants, and all the constitutional authorities of the colony, repudiated the ministerial measure, because it was pregnant with extreme danger. The memorialists enlarged on the fidelity of the Canadians during the war of 1812-13; upon the difference exist-

* This is a mistake. There were no (avowed) dissenters in the house of commons, till the "Corporation and Test Repeal Act" (9 Geo. 4, ch. 17) was passed. William Wilberforce, the stoutest of Anglican lay champions, was leader of "the Saints" at the time mentioned.—*B.*

ing between British social relations and those of Canada; also on the evils which would assuredly result if political changes were made contrary to the declared wishes of the Canadian people. They intimated their opinion, that it was beneficial to subordinate provinces, having legislatures, for their frontiers not to be over-extended; they remarked, that the distance between the gulf of St. Lawrence and the head-waters of Lake Huron was more than 500 leagues; that there was great diversity of climate in this vast range of territory, and consequently, that communications between its several parts were both difficult and costly, especially during winter-time; whilst, in the like stretch of country, on the American side, there were seven distinct states, each with independent facilities for self-legislation and intercourse with their neighbours.*

"But it is not alone an account of the distances of place, or varieties of climate, or seasonal vicissitudes, that the measure would be detrimental to Canadian interests. It is an acknowledged fact that not only are the laws which affect property and civil rights different in the two provinces; but also their customs, habits, religion, and even prejudices, materially differ. The people hold firmly to whatever benefits they have been secured in the enjoyment of, by Great Britain. The wisest, the most disinterested, the most erudite legislator that ever was, would not be able to combine their scattered legism into one code, without unsettling the property holdings they have acquired, under diverse laws (at differing times)." Messrs. Neilson and Papineau afterwards passed in review the various articles of the Union bill: they protested against that which gave to Upper Canada a representation in assembly thrice greater than that allowed to Lower Canada, relatively to the population of each; also against the too high property qualification demanded for membership, and inequality of proposed taxation. The article authorizing the governor to nominate (hybrid) executive councillors, entitled to sit and debate but not vote in assembly, was, in their estimation, a strange deviation from British constitutionality; and it was added, that the intent to

* This memorial, drawn up by Mr. Neilson with the aid of M. Papineau, is one of our ablest state papers.

proscribe the French language in the chamber had caused great excitement of itself. "The speech of his race, of his paternal household, the words he first learned to speak, are dear to every man, in all lands," they urged; adding, that diversity of language, raising a moral barrier between invaders and invaded, had been one great means for saving Canada to Britain at the American revolutionary epoch. Our deputies also protested against the article in the bill which aimed at a nomination of the parish priests (curés) by the governor and bishop conjointly, in revocation of all ecclesiastical canons, and even of the rules of incumbency in the Church of England (usage de l'église protestante). They concluded their memorial by demanding, that were the measure ever to be taken up again, the governor should be enjoined to order a census to be made of the Canadian population; and that a law should be sanctioned for Lower Canada to nominate commissioners charged to defend, in England, the integrity of the provincial constitution.

The home government was ever on the alert, as we have seen, to encroach on ecclesiastical functions, by getting hold of nominations to parish charges, and thus keeping the catholics dependent on the state authorities. But religion, ever stronger than temporal things, yea even the most potent civil polity, set up insurmountable barriers to the ambitious usurpation and (spiritual) prejudices prevailing in the colonial office. The reproduced attempt, made in that direction, nevertheless disclosed the source whence proceeded Craig's antagonistic spiritings.

The minister, unable to encounter so strong and so general an opposition to his measure, was fain to withdraw it. But our agents did not feel warranted to implicitly rely on any appearances, after what had passed. Despite ministerial assurances that the bill would certainly not be re-introduced for the current session at least, it was agreed between Messrs. Papineau and Neilson, that the former should remain in London till the time of prorogation, to guard against a surprise.*

* It was about this time that M. Papineau, being seated at a friend's table, with Mr. Ellice and Mr. Stuart (unionist agent), the conversation turning on the affairs of Canada, Ellice thus addressed our agent: "You

to him! The assembly paid no regard to such a demand, made by a public peculator; and, adopting the sentiments expressed in a report by a committee of the house, declared the home government responsible to the colony for his malversations. Further, in an address, on the subject, to the king, it was explained that the mischief had originated while the colonial finances were under entire imperial direction, and, as all interference with them had been resented or evaded, those who wished to stay the evil could not although they really tried to do so: therefore, the assembly confidently trusted to his Majesty for ordering justice to be done in the case.

Concurrently, another fiscal agent, Mr. Perceval, collector of customs in Quebec, was accused of exacting undue moneys from traders. When the assembly asked for his suspension (till inquiry could be made) it was met with assurances that he was a thoroughly honest, conscientious (*intègre*), and diligent officer, one who conformed strictly to the laws and his instructions; and therefore, all that could be done in the case, was to transmit to London a copy of the charges made against him in Canada. It is a notable fact, that, at this very time, Perceval was defending himself against personal actions then before the local courts, which ended in his being cast in damages.

The governor had been trying to sow divisions among the country party (*le parti Canadien*), hoping at least, to detach from it some of the more influential members. Nov. 23, 1823, he addressed to M. Vallières, president of assembly, a memorial on the financial question, in which he exhorted it to let bygones be bygones, and the future only be cared for. The chamber accused Dalhousie of spending provincial moneys without legislatorial authority. The charge was true; but what if he did? He could not help himself otherwise; for the chamber itself refused to furnish needful supplies, and he was right not to take the perilous responsibility of stopping the state machine altogether. He had done no more, in this regard, than Pitt (the younger) did in Britain before. Such was his defence; to which he added a volunteer observation, that the late defalcation served to prove the necessity there was for auditing the public accounts annually.

Dalhousie invited M. Vallières to come to the castle every

annually produce, had lifted only a corner of the curtain which hid the particulars, so as to deaden the first sensation. Thus, during the session just closed, he intimated that there was something wrong in the public accounts. In the next session, beginning Nov. 25, 1823, he informed the chambers that Caldwell (whom he suspended from the exercise of his functions only two days before) was £96,000 sterling in arrear, a sum equal to two entire years' revenue of the colony. This announcement completely justified the worst fears, expressed or hinted in times past, by the assembly, as to the disordered state of the provincial finances, and gave its members a right to suspect the administration of corrupt connivance with functionaries (*créatures*) of its own nomination. There was so much negligence in Caldwell's department, that inquirers could not ascertain whether he had provided any personal securities for those who had trusted him to fall back upon. Such were sought for in Canada, but none found. The governor wrote to Earl Bathurst, asking to be informed whether there were any such, and if so, to what amount, in the hands of the Treasury officials, in London. It was said (*canard*) that Caldwell had given security, in Britain, to the extent of £10,000, and had promised to find parties in Canada to answer for him to a like amount; but, for reasons unknown to the public, he was allowed to be installed without realizing his promise. The receiver-general, as well as the custom-house officials, were at the time of his advent nominated directly by the lords of the treasury.

In the governor's discourse on opening the session, he expressed his regret to be obliged, upon this as on the like occasions preceding, to advert to financial difficulties; but as such really existed, he felt that it would be his duty to bring them, in full detail, under the observation of the provincial legislature. Meantime, now that Caldwell was ousted from office, such funds as he rendered up had been placed under the control of a member of assembly and a councillor, without whose privity no transaction would be sanctioned.

Caldwell now offered to give up all his property and effects, provided that they were accepted for a receipt in full of all demands; stipulating, however, that if such a composition took place, a large sum, still due to his father for state services, should be paid

ment should adopt such measures as, it indicated, were proper for bringing it to an end.

Dalhousie, meanwhile, applied to the assembly for a reimbursement of the sums taken from the military fund (*caisse*) to defray civil expenditure in 1822 and 1823, amounting in all to about £60,000. The assembly chose to look upon the governor's having recourse to Imperial moneys on those occasions as a personal favour accorded to serve the convenience of the (defaulting) receiver-general, as that functionary had (meaning, ought to have had) £90,000 of a surplus in hand. It was argued, that if Caldwell, in those circumstances, applied to the governor for aid, the latter might have assured himself that the man was insolvent; and had betrayed his duty by not cashiering him at once.

The assembly refused, also, to subscribe an address to the king, drawn up by the council, against the right, claimed by the American congress, to the free navigation of the St. Lawrence. And as the "Canada Trade Act" vested in the governor the power of changing seigniorial tenures into landholding by "free and common soccage," the Assembly presented an address to Lord Dalhousie, asking him, if he made any such changes, to leave out the French-Canadians (*les habitants*) from such mutations, and let them follow the beaten track.*

The rupture was now complete between the two chambers. The governor, not being able to obtain anything he had asked for, prorogued the parliament, March 9, 1824.

His lordship next tried to revive ecclesiastical dissensions; and began by sending a memorial to the colonial minister, in which he observed, that, ever since the Conquest, the catholic bishop had exercised all the rights of church patronage, by nominating every one of his clergy (*dans son clergé*). He urged, that it was time such an abuse were rectified, as it deprived the king of a most important part of his influence, he being the head of that

* Thus we interpret the original of the above passage; but lest we have misapprehended the author's meaning, we here subjoin his own concluding words:—".... elle (la chambre) présenta une adresse à L. D. pour le prier, s'il faisait ce changement, de laisser aux habitants le droit d'avoir des terres moyennant les charges et redevances ordinaires." III, 239.—*B.*

church (the catholic) as he was (*chef*) of all others.* In another despatch dated Dec. 19, 1824, he maintained that to the British crown appertained, of right, all the prerogatives of the kings of France, arising from the liberties of the Gallican Church; and he solicited that the royal authority thus devolving should be extended to him (the earl), to enable him to interpose between the bishop and the Sulpicians, then at loggerheads. "The present catholic bishop," he said, "arrogated to himself independent power;" but his lordship intimated, that "it is not too late to take the reins of absolute power out of his hands; and a considerable number of his clergy wish that the government would do so." The earl likewise directed the attention of the colonial minister to a book, the author of which was M. Chaboillez, in which certain passages authorized a belief that the writer's sympathies were in favour of the Sulpicians, and not of the bishop.

Soon after the session closed, the governor left for Britain, leaving Sir F. Burton in charge, as his *locum tenens*. When the elections took place, in summer-time ensuing, the opposition party had its numerical strength increased; but it was not inclined to be hard upon the lieutenant-governor, for the assembly was aware of Burton's good intentions generally. They knew that he did not allow the councillors to persuade him to delay the convocation of the chambers to the latest moment; nor, at their instigation, would he refuse when the time came to recognize M. Papineau as president of the new assembly. Nor was any fault found with him when, thereafter, he refused to communicate to the chambers the despatch, relating to the finances, from the Prince Regent to Governor Sherbrooke, sent over in 1817. Still later, again, he was taken at his word, when he assured the assembly, that he could not find the ministerial despatches of 1820 and 1821, upon which was founded what the governor had advanced on the same subject.† In the estimates which he sent to the chamber, the public expenses were not divided into variable and invariable cate-

* We cannot believe, for a moment, that the Earl wrote any such nonsense; the only wonder is, that the author could be induced to print so absurd an assertion.—*B.*

† Letter from Sir F. Burton to Earl Bathurst, dated March 28, 1825.

gories; so that the whole supplies asked for could be scanned, the items sanctioned or refused, and the total agreed upon, voted or disallowed, according to circumstances. Every one began to have hopes that the financial difficulty was now solved, as it were, in advance; and the lieut.-governor himself shared in the momentary illusion. But there had been assigned to Burton, by the government, only a short-lived discretionary power, until his chief could resume his functions, and (fortified by more precise instructions) strain to arrive at a goal which had been always kept in view.

The immediate motive for Dalhousie's visit to head-quarters was to personally inquire of the British ministers how they meant to act, now that their union project had miscarried for the time. It was not possible, after what had passed, that any similar measure could be successfully smuggled through the two houses, as the concoctors of the late bill hoped it would; therefore a roundabout way for attaining the desired end had to be sought for. The governor meanwhile returned to Quebec, and early next year, Jan. 21 (1826), having re-opened parliament, he addressed a long discourse to the members of assembly and council, which was, in its general tone, of a nature to continue the illusion that Burton's short administration was calculated to conjure up. He spoke of commerce, of the administration of justice, of land registration, of education, and of charitable institutions. The chamber replied in a kindred spirit. The governor rejoined, with an expression of his satisfaction that his sentiments and those of the assembly were so much in accord; and declared, that he expected the happiest effects would thence result for the commonweal. At his suggestion, the assembly voted an address to the king, soliciting the revocation of the ordinances of the Imperial Government changing the tenure of lands in Canada, and for introducing to the province the laws of England. In this document it was observed, that the motives which led the conquerors (*la métropole*) to give a legislature to the province, ought to suffice for preventing the Imperial Government from intermeddling with local legislation; that (if it did not thus abstain) it might commit grave errors, and cause great injustice; and that, in the exercise of supreme authority, it ought to respect its own work, by allowing the colonists to interpret, in their own way, the powers hich had been confided to them.

*At no time previously had any circumstance placed Lower Canada and its representatives in a more humiliating situation. The influence of Mr. Ellice was patent under the veil of argumentation of the colonial-office. But at the very moment when people thought that there remained no other subject of debate between the colonial and the Imperial government than the question of tenures, that of the supplies surged up more menacingly than ever before. While hearkening to the peaceful words which Dalhousie proffered after his return, those persons not as yet quite assured by the mild administration of Burton, upon the occasion referred to had their doubts removed, and concluded that all further financial difficulties would be definitively surmounted. So far from this being the case, Earl Bathurst persisted still in denying the right of the assembly to dispose of the entire revenue; as will be manifest to any one who peruses a despatch from his Lordship, addressed to Sir F. Burton, dated June 4, 1825. The bill of supply, assented to by the latter, being good only for one year, the minister did not advise the king to withhold his assent to it; but he directed the governor not to give to any the like his sanction in future. The assembly, on its part, in an address to the king, reiterated its pretensions. About the same time M. Papineau, once more president of assembly, wrote a long letter to Sir James Mackintosh, entering into a detail of the abuses in the administration of the colony. "At the last sitting of the legislative council," said he, "eleven councillors, all but two being public functionaries, declared that the resolution of assembly making the receiver-general responsible for all payments made without legislative authority, is an infraction of legality; and they proclaimed the principle, that this officer is bound to act in accordance with the instructions which he receives from the executive council, and not with any orders laid upon him by either of the chambers."

The parliament was prorogued, March 29, 1826; and was convoked for Jan. 23, 1827. The governor communicated to the chambers the response of the lords of the treasury, which declared

* There is an abruptness, at this turn of the author's narration, which the translator is of course not answerable for, as the text has been exactly followed, and nothing omitted.—*B.*

that they were not liable to pay for the defalcations of Caldwell. As a rumour was rife that other despatches regarding the supplies had been received by Burton, and that Dalhousie would not conform to them because they were favourable to the pretensions of the assembly, a copy of them was demanded by the latter. Dalhousie replied, that he would communicate their substance; and added, "I feel every disposition to give the fullest information to the assembly on matters of public interest, but must decline to lay before the public the correspondence of his Majesty's ministers with the executive government of the province. I think such a course objectionable, in general; and in this particular case, inexpedient." This reply was very imprudent; for it left on the minds of those to whom it was addressed, an impression that he had not imparted all that it was important to know, which yet the despatches contained; and this feeling the assembly expressed, by calling into question the averments of the governor.

The annual supplies were discussed, and voted in the same form as in the preceding year; but not, as then, allowed to pass, for they were flatly refused. Sir Francis Burton, who was blamed, during the *interregnum*, as we have seen, for sanctioning a bill not conformable to the instructions passed from Sherbrooke to Dalhousie, and which was supposed to be in his hands for his guidance; Sir Francis, we say, had written to Lord Bathurst that he was ignorant of their existence; observing, at the same time, that they were not to be found in the secretary's repositories. The assembly-men, on their part, declared that they were willing to vote the supplies in the same form as that employed in the year 1825, but not in conformity to the estimates just presented. This declaration brought matters to a sudden issue. The refusal of the supplies was the most solemn censure that the country could pass against the administration. Lord Dalhousie so understood it, for he prorogued the chambers the next day. Preparatory thereto he ascended to the council hall, with sword girt to his side, and followed by a numerous staff, glowing in scarlet and gold. "I have come," said he, "to bring to a close this session of the provincial parliament; being convinced.....that nothing likely to promote the public interest can be now expected from your deliberations. To you, gentlemen of the legislative council, who have

attended to your duties in this session, I offer my thanks on the part of his Majesty, as an acknowledgment of the regard which, by your presence, you have shown to the welfare of your country, and also of that proper respect which you have manifested for the sovereign from whom your honours are derived. Gentlemen of the assembly, it is painful to me that I cannot speak my sentiments to you in terms of approbation and thanks.....Many years of continued discussion of forms and accounts have proved unavailing to clear up and set at rest a dispute, which moderation and reason might have speedily terminated."—He afterwards addressed a long series of reproaches to the members of assembly present at his call, too well calculated to irritate the public mind.

CHAPTER III.

CRISIS OF 1827.

1827–1828.

New Crisis.—Address of M. Papineau, and of a portion of the members of Assembly, in reply to the speech of the Governor when closing the session.—Public Meetings.—Dismissals of Militia officers.—The Canadian press.—The Elections.—Meeting of Parliament.—The Governor refuses to acknowledge M. Papineau as president of assembly.—Parliament prorogued.—Address of Dalhousie's partisans to the King.—Public meetings convened everywhere.—Address to the King and to the Imperial Parliament.—Mr. Walker, editor of the *Spectator*, arrested twice.—Messrs. Neilson, Viger, and Cuvillier deputed to London with addresses from the (French) Canadians.—Mr. Gale sent thither also, with counter-addresses.—Canadian affairs discussed in the British legislature.—Speeches of Messrs. Huskisson, Labouchere, Hume, Wilmot, Stanley, and Sir James Mackintosh, in the house of commons.—The address and counter-addresses of the contending parties referred to a committee; the committee's report thereon.—Mr. Huskisson succeeded, as colonial minister, by Sir George Murray.—The Committee's report entertained, but neither adopted nor rejected, by the house.—Sir G. Murray announces to the Canadian deputies, that measures are in contemplation (by the cabinet) for terminating the dissensions.—Sir James Kempt succeeds Lord Dalhousie as governor.

The violence of the Anglo-Canadian newspapers, and the high tone of Lord Dalhousie in his proroguing speech, announced a new crisis. Amid the perturbations of the time, the *Quebec Gazette*, still directed by Mr. Neilson, preserved a moderate tone, and expounded matters of public import with a calmness that extorted the respect even of its adversaries. The principal assembly-men of Montreal district thought it their duty to reply publicly to the governor's late address, in the form of a letter to their constituents. This address, written with as much circumspection as the occasion called for, was signed by Messrs. Papineau, Heney, Cuvillier, Quesnel, &c. The aim of those who drew it up was to explain the conduct of the majority of assembly in such a way, as to throw all blame for paralysing legislation on the shoulders of

the governor and his councillors. It tended to induce a re-election of the existing majority, upon a coming dissolution that could not be avoided. The document made a great sensation meantime, and became well-nigh a signal for a movement among the masses. The rural populations did, in fact, begin to assemble. The resolutions passed on such occasions, measured but firm at the outset, became violent and accusatory. A new element of troublousness presently excited the popular mind to fury: this was a declaration by the attorney-general, that as the constitutional militia laws had then lapsed and not been renewed, the ancient ordinances for embodying the colonial forces necessarily revived; and Lord Dalhousie, following up this announcement, was proceeding to reinsitute the old colonial system of military defence.

Such a reverting to measures employed in despotic times, was utterly incompatible with existing free institutions. The opposition journals were on the alert; they raised apprehensions that the retrogressiveness of the government would be realized rigorously, and that this polity would influence the approaching elections. The government's dealing with the officers of militia was made a subject of animadversion. In effect, as some of them refused to command, and others to obey, not a few were dismissed altogether. These last were considered as political martyrs by the people. Still, a great majority of the militiamen conformed to the law, by attending at drill. Dalhousie, whose conduct would have been censured in Britain had disobedience been general under his sway, hastened to express his satisfaction at the militia, for the most part, answering to the call made upon them; and seized the occasion to express his expectation, that, maugre all the artifices which had been used to implant suspicious in the popular mind, the different fencible corps of the province never ceased to manifest that zeal, obedience, and subordination, which had ever distinguished Canadians in arms. He also replied, with warmth, to the sympathising addresses presented to him by his partisans, in Quebec, Montreal, and the Eastern Townships.

Meanwhile, journalistic polemics were of a very ardent character; while the discourses, spoken at public meetings, often breathed the most passionate (national) hate. The government journals, which ought to have been moderate in tone, if only for policy's sake,

used the most insulting language in respect to the French-descended people; a fault which the exponents of the latter turned to account, in proving that there was a rooted antipathy to their race among the colonists of British descent.

Some French-Canadians residing in Plattsburg, N.Y., got up a newspaper there entitled *l'Ami du Peuple*, to vindicate Gallo-Canadianism. Thus did its writers address their compatriots:—"Canadians! chains are forging for you: it now appears that you are doomed to annihilation, or to be ruled with a sceptre of iron. Your liberties are invaded, your rights violated, your privileges abolished, your reclamations contemned, your political existence threatened with utter ruin.....Now is the time to manifest your strength (*ressources*), to display your energy; and to convince the mother-country and the horde which, for half a century, has played the tyrant's part among your homesteads, that if ye be subjects, ye are not slaves."

The assembly, which during the interval had been dissolved, gained a complete victory in the elections. The country party (*parti Canadien*) was increased in number by several new members, despite an opposition got up in several places. In districts to the westward of Montreal, at Sorel, at St. Eustache, several partisan riots took place, with some attendant disorders; but still the French-Canadians carried the day. "The elections are nearly over," thus did the *Canadian Spectator* comment on what was going on; "the friends of our king, country, and constitution have achieved a signal victory. The functionaries of Lord Dalhousie, and his whole governmental system, have been (practically) condemned generally and formally."—This paper was edited by Mr. Waller, son of an Irish baronet, and a journalist of great talent.

The governor, whose policy was thus solemnly denounced by the people's voice in this general election, grew only the more obstinate in adhering thereto; and looked upon the opposition chiefs only as so many (incipient) rebels. As such, he vilipended them in a general order which he issued.

The result of the elections, and the promulgation of the above general order, manifested the resolution the several parties had taken to persevere in the course each had entered on. The cham-

bers met on the 20th of November. The members of assembly having been summoned by an usher to the legislative council chamber, the governor announced that he would explain to them why they had been called together (thus early) so soon as they should have elected a president. The man of their choice he desired to be presented to him next day.

M. Papineau was proposed by M. Letourneau, M. Vallières de St. Réal by Mr. Ogden. After some discussion, the votes were taken; when 39 members pronounced for Papineau, and only 5 for Vallières. This result proved that the government party in the chamber was almost null; for some even of those who voted against Papineau, were no friends of the administration.

Next day the assembly-men repaired to the council-room with their president-elect, who informed the governor of the choice they had just made. The latter remained seated on the throne; while the president of the council, in reply to the announcement made, informed the assembly that his Excellency, in his Majesty's name, disapproved of their choice; enjoining them to elect some one else, and present him for approbation on Friday ensuing. This disapproval was not unexpected; but, none the less, did it supply added offensive means to the opposition; a great majority in which determined to maintain the ground taken up. Meanwhile, however, the presidential chair remained vacant. On the proposition of M. Cuvillier, a declaration was made, that "the choice of a president of assembly ought to be free, and not subject to the approbation or disapprobation of the executive; that M. Papineau had been properly chosen; that the law did not make the governor's approbation indispensable; and that the annunciation of it, upon such an occasion, was a mere formality." M. Papineau was then led to the chair, and installed; upon which the members of the (scanty) minority present retired. A deputation was sent, afterwards, to the governor, to inquire when he would receive the members in a body, as before. He replied, that he could listen neither to message nor address, until a new president were elected and approved of. In the evening of the same day, his lordship prorogued the parliament: an act of firmness on his part which, the government journalists assured him thereafter, had saved the country from a revolution.

The opposition press was next taken to task. Judicia
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everywhere, with the same unanimity as at Montreal. Messrs. Neilson, Viger, and Cuvillier were appointed as deputies, to repair to London with these documents, to which 80,000 signatures were attached at short notice. The police director of Montreal (Mr. Gale,* as it would seem) was sent to London with the counter-addresses, and despatches from Lord Dalhousie. A report obtained currency at this time, that a new division of the Canadas would be asked for; by which the island of Montreal and the Eastern Townships were to be annexed to Upper Canada. Gale was a violent partisan of the executive. His hatred for the French-Canadians was notorious; and it was also known that he had written many articles for the *Montreal Gazette*, which had advocated the Union project; and the demand still made that such a measure should be effected, taking into account the semi-official character of the journal itself, caused a belief that the call had been made, through its columns, by the governor himself.

The departure of the Canadian agents with the addresses did not suspend the holding of public meetings, nor calm the fermentation prevailing in the country.

The governor, on his part, continued to deal rigorously with magistrates, militia officers, and the opposition press. Several magistrates were displaced. The *Gazette* of Quebec hereupon remarked, "Let the country despise these new insults! It can fearlessly leave its destinies in the hands of a British king and government." Although this journal was more moderate in its opposition than the others, it did not escape prosecution. Four actions for libel were raised against its proprietor, because he had published resolutions adopted at public meetings.

While Lower Canada was thus struggling against its government, the Upper province was disturbed by like agitations. The concurrence in opposition, of two populations of diverse origin, gave an adventitious weight to the complaints of each against the misgovernment which affected both. Before the addresses exposing it reached Britain, Mr. Hume had made allusion to the dis-

* The author designates Mr. Gale as "chef de la police de Montréal"; Mr. Christie gives him his right title, which was "chairman of the quarter sessions" of the district of that name.—*B.*

The opposition press was next taken to task. Judicial accusations were got up against one or more journals. At Montreal, one jury would not entertain the charges made; but another, more pliant, declared that there was illegal matter to be found in the *Spectator* of that city. Far from lowering the tone of the opposition prints, the action thus taken only served to inspirit their writers. The people themselves began to get agitated. Public meetings were holden in town and country; and committees organised for moving remonstrant resolutions, and voting addresses to the king and imperial parliament. The party which supported Dalhousie, numerically weak in Canada but strong in Britain through its influence with the colonial-office, which had given the earl every means for carrying out his coercive policy—a portion of the Dalhousie party, so to speak, met in Montreal, for the purpose of concocting an address (through Dalhousie's medium) to Britain—a country now constantly harassed by the importunacy of its intractable and restless colonists. It thanked the governor for "the noble energy he had manifested for imbuing Canada with a British character, and for striving to put an end to the divisions which distracted the colony." It expressed a hope, that the acts of the Canadian assembly would induce the British people, at length, to abolish a defective system of (mixed) colonial government, which experience condemned, and which the pretensions put forward by its representative branch had made intolerable.

The Dalhousie partisans located in the Eastern Townships and elsewhere, in imitation of Montreal, drew up like addresses. On the other hand, the partisans of the assembly continued to agitate with ardour. A numerous meeting of them took place in Montreal, which was presided by M. Jules Quesnel, a leading citizen. Messrs. D.-B. Vigor and Cuvillier were the chief speakers on the occasion. Renewed addresses were adopted, for transmission to the king and imperial parliament, in which the various abuses of his power, already imputed to the governor, on many occasions, were reproduced and denounced.

Irritated more and more by these attacks, Dalhousie thought to intimidate the opposition journalists by re-arresting Mr. Waller editor of the *Spectator*, when he was on his way to the assembly. But this act did not prevent energetic addresses being adopted,

system in all its strength, or rather in all its deformity. This system, and co-existent French jurisprudence (*la coutume de Paris*), set up a bar against all progress."

The minister then adverted to the intention which George II had, after the Conquest, of sending British colonists to Canada, under promise of giving them a representative government and establishing the laws of England. "Every effort was made," he said, "to introduce British jurisprudence and make it paramount, up to the year 1774. Judges were sent out to administer it; but no legislatnre was established, on account of the insurrections which supervened, soon afterwards, in the adjoining provinces. To conciliate the Canadians, the intended full substitution of English legism was departed from, and English criminal law only took place of that of France. The continued use of French law and custom was confirmed; the catholic religion was recognized as the faith of the majority; and, instead of the French system of taxation, the far less onerous British mode was established.

"The declaratory act of 1778 gave to the colonists the right of taxing themselves; and this right was confirmed by the constitution of 1791. All imposts were to be levied by consent of the legislature only; while Upper Canada was separated from the lower province, with the intent that the former should have the institutions of a British-founded colony. But a fault was committed at that time, in apportioning the electoral districts (*colléges électoraux*), not in accordance with extent of territory, but in ratio of the population; which arrangement had the effect of giving to the seigniories an undue proportion of representatives.

"There remains for consideration another difficulty, of a yet graver character: the control of the colonial legislature over the public expenditure. The imposts which replaced French taxation were applied, in terms of the act of 1774, to the payment of civil-list allowances and to defray the cost of the judicial administration. Their avails amounted to £40,000, with fines and confiscations. Other taxes, imposed by the legislature, and left at its disposition, touch a total of about £100,000. The assembly claims the control of the entire revenue; and, also, the right to decide who are the proper parties, in public office, to be salaried out of the £40,000 just adverted to. The crown does not admit of that pre-

tension, which, in fact, is founded neither on law nor custom; and the assembly, on its part, refuses to grant the annual supplies in view of forcing the executive to accord to the representative body the absolute control of the whole public income. Such is the question at issue between the two legislative chambers..... England is the parent of many colonies, one of these is now among the greatest and most flourishing empires in the world; by that and others, we have carried our language, our free institutions, and our system of laws, to the most remote corners of the globe. What we have thus planted is now taking root, and what we now foster as colonies will be, no doubt, one day or other, themselves free nations, the communicators of freedom to other countries. If I am told that for this we have made great sacrifices, I say, let it be so, for, in spite of those sacrifices, England remains, for its extent, still the most powerful, the most happy nation that exists, or ever has existed. I say, moreover, that we should be well paid for all the sacrifices we may yet be called upon to make, if we are to add to the rich harvest of glory we have already reaped, by being the parent of countries in which the same happiness and prosperity that has distinguished this country will, I trust, for many ages to come, be enjoyed. That will be our reward for establishing our superfluous population, not only in America, but in other quarters of the world. What can be a prouder feeling for Englishmen, than that England has done its duty to the World, by attempting, and successfully too, to improve it? Whether Canada is to remain for ever dependent on England, or is to become an indedent state,—not I trust, by hostile separation, but by amicable arrangement,—it is still the duty and interest of this country to imbue it with English feeling, and benefit it by means of English laws and institutions."

This discourse was very adroit; the minister dissimulating the financial question in addressing the British commons, among whom the unlimited voting of supplies is a sacred right; and then, as above, artfully dilated on the credit that would redound, if Britain could but make Canada a country as English at heart as it was in name. The whole policy of the colonial-office, indeed, tended to that end; and Huskisson, never distrusting its reasonableness any more than doubting its feasibility, naturally ap-

probated the existing colonial administration; also expressing his disapproval, in the strongest terms, of the agitation got up against it among the inhabitants. Each governor, in succession, had in fact done no more than follow orders from head-quarters; and the appointment of Lord Dalhousie, soon afterwards, to the governor-generalship of India, sufficiently proved that his conduct in Canada was not only approved there, but was thought worthy of recompense. We need not wonder, therefore, that the colonial minister raised his voice against the discontentment of those put under the Dalhousie sway, for it was a grave (practical) censure of the minister's own faults and those of his predecessors.

A distinguished commoner, of French descent, Mr. Labouchere, stood up in defence of the Canadians, and vindicated energetically the claims they put forward; denouncing, at the same time, the hostile prejudices against them of an alien race of fellow-colonists. "I look upon the act of 1791," said he, "as the Magna Charta of Canadian freedom. I am of opinion, that if the intentions of Pitt and his coadjutors had been better followed out by those who came after him and them, Lower Canada would have attained to that height of prosperity they destined for that province; and that it would, at this hour, be in the enjoyment of the concord and tranquillity its connection with Britain must have assured to the inhabitants. The intent of Pitt with regard to the Canadian legislature was indeed to combine a legislative council with a representative chamber; but not to compose that council of men of British race only; which race forms but a small portion of the general population.... I am truly sorry that the name of the colonial minister should be bound up as it is, with the (abortive) union act of 1822, which has so much contributed to excite prevailing discontents in the colony. People do not forget that an important measure was introduced to this house late in June, when there were not sixty members in attendance, abrogating the constitution which Mr. Pitt gave to Canada. The season chosen, the mode of introduction of a bill since proved to be so obnoxious, prove sufficiently that its concoctors hoped to steal a march on the Canadians, and prevent them from expressing their dissent against its provisions, or censuring the conduct of the government."

In the reported speech of Sir James Mackintosh, on the same side, we find the following passages: "Canada can be preserved to Britain by governing that dependency on principles of justice. These, so far as I understand then in detail, are few and simple: namely, full and effective protection against alien influence; complete freedom to the colonists to conduct their own affairs, and to regulate their own trading industry, internal and external: under condition, however, that they pay a reasonable price for or towards defraying the outlay of the Imperial government on their behalf. Reverting to the observations we have heard relative to the French code (*la coutume de Paris*), I beg the house to remember that no change was made in it between the years 1760 and 1789. While allowing that the civil law of olden France was a faulty system as regarded conveyances of real property and its hypothecation; that it was a system both costly and tardy, and led to prolonged litigation; yet I do not think that the Canadians, while under that system, were so badly off as we have been told; especially, when I recollect that those laws were administered under the auspices of the parliament of Paris—a body composed in part, of some of the greatest legal geniuses known; such, for instance as the chancellor de l'Hôpital and president Montesquieu."—Here the orator, giving free scope to his sarcastic humour, ran a kind of parallel (in absurdity) between the old French and existing British laws. With inimitable wit he exposed, in detail, all the complexities, whimsicalities, and ridiculous observances, which have clung, ever since early times, to English legal process. He had a wide field to expatiate in; it being well known to all, that conveyances of real property, for instance, require as much documentary illustration—even the smallest bit of it requiring as many preliminary precautions—as the negociation of a treaty between two nations.

Resuming his accustomed serious style, Sir James thus continued: "My own opinion is, that the assembly was entirely warranted in acting as it has done: it had an indisputable right to regulate the employment of all the moneys accorded by its votes. Every representative body, in fact, must of necessity exercise this power; and it was by its means that those who sat in this house, during ages anterior to the present, secured for us (British commoners) the importance we now possess. Once abridge the Ca-

nadian assembly of its vital privilege in this regard, and accountability to the people's representatives becomes a mere illusion.—In 1827, again, the assembly passed thirty-one bills; the upper chamber refused to pass any one of them! Who is answerable for this? it may be asked. 'The governor,' is my reply; for the council is but an instrument in his hands. A legislative council, constituted like that of Canada, forms no constitutional barrier between executive and representative power. Of the twenty-seven councillors actually in place, all but ten are government functionaries; the majority receiving, annually, £15,000 of the public moneys: not a small sum this, for a country where £1000 a year is thought to be a considerable fortune. I do not include among those functionaries the bishop, who may have governmental leanings, but who is no partizan. I understand that a council minority, virtually, is non-existent; for, wearied with bootless struggles against the influence of the majority of placemen at the board, the independent members have ceased to take part in the deliberations of their paid colleagues.

"The colonial minister has appealed to the sympathies of this house, not in favour of the petitioners, but only in regard of the colonists of British descent in Canada; for, in several parts of his speech, he made special allusion to the latter. Now I ask, will any one show me a law, passed by the Canadian assembly, tending to the detriment of our compatriots, in either province? The remedy, too, for a chimerical evil conjured up, is a re-distribution of the electoral franchise, keeping in view the interests of 80,000 British-derived colonists, whose well-being is supposed to be compromised by the legislation of 400,000 French-Canadians; the latter being proprietors of nearly all the landed property in the lower province. Now our colonial compatriots, with few exceptions, are congregated in the towns, and are, most of them, engaged in trade. That they form an important class, is certain; that as a body, they are respectable, I do not doubt; but," added Sir James, in terminating his discourse, "are we to have in Canada a distinct body of British colonists, dissevered, as it were, from the general population? Above all, is this body to be privileged, to the disadvantage of the common population? Is the far inferior section (numerically) to have its interests exclusively cared for,

or its religious sympathies fostered, so as to bring about Protestant domination? Shall we bequeath to the original people of that great dependency six hundred years of calamity and suffering, such as Ireland has had to endure; merely because the Canadas too, like the latter, contain a small population, of British birth or descent, whose interests and belief are alone thought worthy of protection and adoption? In the name of Heaven! let not such a scourge ever again fall upon any land under the sway of Britain. Let our governing policy, in the outer regions of our empire, ever be, to mete out equal justice to all parties, to men of every class pursuing honest ends. Above all, let not the French-Canadians suppose for a moment that their rights or aspirations are less cared for by us, than those of their fellow adult colonists of our own blood. The males of both races, being now British freemen, and common subjects of one king, are entitled to be co-equal with us in all things. It is not for this house in any wise to sanction invidious distinctions between British and French descended subjects of the empire. And if it be thought an equitable arrangement to give a preponderance in legislation to the majority in numbers, and to those possessed of the incomparably greatest share of territorial wealth; what right has the (almost landless) minority to complain? If civil liberty and political power be not concomitants of numerical strength and the possession of real property, the people of no country can permanently maintain their freedom: every privilege they have exists but during the good pleasure of those who govern them. Finally, I look upon a distinction in the treatment of races, and the division of a population into distinct classes, as most perilous in every way and at all times."

Mr. Hume, also, forcibly sustained the complaints of the Canadians, and severely censured the policy of the colonial-office. As spokesman for Upper Canada, to him had been consigned the petitions of the complainants in that province. "If the colony of Canada," said he, "were the only one of our possessions demanding redress at our hands, it would be comparatively well; but it so happens, that, with the exception of Nova Scotia, there is not one of them all that has not been making such applications for a length of time, yet never have any been attended to."

Mr. Wilmot, in reply to Mr. Labouchere, said that the mother country ought to reserve to herself the right of taxing the colonies, and especially that of imposing customs dues; but that the revenue arising from such taxation might be left at the disposal of the colonists. Mr. Stanley thought that the legislative council ought to be abolished, because it merely served as a screen for the actions of the governor; and because the council, naturally inimical to popular rights, held the place of an aristocratic body, without its titles or consideration. As to the form of government adapted for the Canadians, it ought to be so favourably composed, he added, that they would have no wish to change it for a constitution like that of any of the United States. Messrs. Warburton and Baring discoursed in the same strain.—The house of commons, after a prolonged debate, referred the Canadian petitions to a special committee of its members.

The enemies of our cause, in London, noting the support given to it in parliament, began to agitate against us anew. Two-score traders to the colony got up a petition for a union of the two Canadas, as a remedy for every wrong complained of. This petition was, along with all the others, referred to the committee on Canadian affairs. Before it were called Sir Francis Burton and Mr. Grant, agents for the assembly, Mr. Ryerson, agent for Upper Canada, Mr. Gale, Mr. Ellice, Mr. Wilmot, and some Anglo-Canadian merchants.

The committee, after due consideration, made a long report to the house, but the sentiments expressed in which were neither formally adopted nor yet repudiated. It declared, that, in the present state of public opinion in the colony, a union of the two Canadas could not be recommended; that the provisions of the law regarding land-tenures, so far as grants in free and common soccage were concerned, should be allowed to remain as before—thus sanctioning the special hypothecations and laws of alienation of Upper Canada; and that an option should be given to the Lower-Canadians, if they chose to abolish seigniorial tenure, and to establish circuit courts in the Eastern Townships, for adjudicating causes involving the interests of parties holding lands in soccage. The committee expressed its opinion, that the French-Canadians should be left in peaceable enjoyment of their religion, their laws, and

privileges; and thought that it would be of use to increase the extent of representation in Lower Canada, re-founding it on the bases of that of the upper province; also, that the still unsettled lands should revert to the crown domain, and be re-sold; that a light tax might be imposed on land-grants not entered upon; that the whole public income of Lower Canada should be put at the disposal of the assembly, except the hereditary and territorial revenue; finally, that to the crown should be reserved the right of displacing judges.

The committee regretted that the Imperial parliament had not been informed of the use made of the revenues of Canada without the consent of its representatives, and advised that precautions should be taken, in future, to prevent malversations by the receiver-general and his subordinates (*shérifs*). The estates of the Jesuits, it was advised, should be devoted to educational purposes. The legislative council, it was proposed, should be made independent of the executive; the committee adding, that the judges had no right to take part in political discussions as councillors, while they were best excluded altogether from the executive council. Lastly, that no other organic change should be made in the constitution of 1791, than to yield up all the interior regulation of the lower province to its own legislature; the interposition of the Imperial parliament to be called for only when absolutely necessary.

With respect to the sharing of the customs revenue between the two provinces, the committee doubted not that the agents for each would come to a satisfactory arrangement of that disputed matter. Both ought to have, it was observed, a resident agent in London. Radical defects there might be in the colonial constitution, the committee admitted; but the difficulties which had come under their review, it imputed entirely to mal-administration. As for the conduct of Lord Dalhousie, which had been brought into question, the committee expressed no opinion; but it adjured the government to institute a rigorous investigation thereinto, and do such justice in the case as sound policy demanded.

This report hinted at the possibility of making many more concessions than its authors plainly recommended. We see in it an evident desire to please all parties:—but that was difficult, or rather

impossible. At the bottom of all, too, there was still a desire to preserve a preponderance for the British section of the Canadian population, although it was a comparatively small part of the whole; *i. e.* if this could be done, without an absolute denial of the just demands of the French-derived inhabitants. Few as those concessions were, which the committee distinctly demanded in our behalf, even these were not accorded by the house. The new colonial minister, Sir. George Murray, who succeeded Mr. Huskisson, promised indeed to attend to the committee's suggestions, wherever they were practicable. Thus, although one branch of the British legislature recognized the validity of the rights its government withheld, the latter was not bound down to remedy the wrongs inflicted on the Canadians: the commons left that duty to the colonial-office, the functionaries of which, under a smoothed exterior indeed, became more hostile to us than ever before.

During an interview which the colonial agents had, a few days afterwards, with Sir George Murray, the latter expressed his regret that Lord Dalhousie had lost the confidence of the Canadians, the people of a dependency whose possession was so important to Great Britain; but he took that opportunity, he said, to assure its accredited agents, that he would use all the means in his power to bring about a cessation of the causes of trouble which had agitated the country for so long a time. In order to pave the way for a better understanding between the governing and the governed, he announced that to the Earl had been sent an order of recal, as he had been appointed commandant of the forces of India. His recal was all the more desirable, as his popularity was quite gone; and it was not recoverable, unless he were to follow a completely contrary course to that which he had already run: but if thereby he might have escaped renewed hatred, he could not have missed unwonted contempt.

Upon his return to England, he presented to Mr. Huskisson, who was still in the ministry, a memorial in justification of his conduct, in which he blamed the report of the commons' committee. He accused the members of having treated him unjustly; and declared, that, if the government adopted the opinions embodied in their report, it would soon find itself involved in great perplexities. The conclusion deducible from the whole tenor of

his memorial was, that the opposition policy and pretensions to a recognition of nationality of the French-Canadians, ought to be strenuously resisted.

Sir James Kempt, lieutenant-governor of Nova Scotia, replaced Lord Dalhousie at Quebec, and the Imperial government left all further care, as we have already said, of making reparation to the Canadians for past and present abuses, to the very parties complained of, namely, the chiefs of the colonial-office; in other words, matters were to follow the old train. As a natural consequence, discontents continued and increased. Upon the whole, therefore, it may be said, that the ministry gained a triumph in the no-results of the parliamentary inquest; for it is pretty certain that had a vote of censure upon government been proposed as a fitting sequel, the section favourable to the Canadians would have been outvoted. This consideration determined their agents not to press for such a conclusion. They wisely preferred trusting to ministerial promises, however vague they might be, than to expose their cause to further detriment, by inopportune persistency. The first discourse of Mr. Huskisson forewarned them, that, if the ministers were driven into a corner, they would make the question assume the shape of a struggle of races and religions, in which French-Canadian liberties would be sacrificed without present hesitation or after remorse.

BOOK SIXTEENTH.

CHAPTER I.

THE NINETY-TWO RESOLUTIONS.

1829–1834.

Deceptive hopes which the House of Commons' Report raised in Canada. —Instructions to Sir James Kempt.—The Canadian press moderates its tone.—Opening of the chambers.—Division in the ministry on the question of the supplies.—The assembly's hopes dissipated.—Resolutions adopted in assembly.—Renewed addresses to Britain got up.—Labours of the session.—Session of 1830.—Reply of the ministers to the latest addresses.—Resolutions regarding the militia ordinances and on the supplies.—Legislative and executive councils.—Opinion of Sir James Kempt with respect to them.—Sensation produced thereby.—Meeting at St. Charles.—Lord Aylmer replaces Kempt.—Attorney-general Stuart suspended from his functions.—Concessions and reforms proposed by Lord Goderich.—They are refused by the assembly.—Fault of the assembly upon that occasion.—Judges Kerr and Fletcher put under accusation.—The imperial parliament changes the constitutional act, for placing all the revenues of Canada under the control of its legislature.—Session of 1831–2.—Fresh despatches from Lord Goderich.—Independence of the judges.—Crown lands and clergy reserves.—Post-office.—Close of the session of parliament.—Regret of Lord Aylmer on finding the concessions of Lord Goderich so ill-received.—Riot, May 21, at Montreal.—The cholera in Canada; its terrible ravages.—Meeting of French-Canadians at St. Charles, and of British at Montreal.—Reply of the ministry respecting Judge Kerr, and the independence of the judges.—The British ministry resumes its retrograde policy.—Address to the king praying that he would make councillorships elective.—Resolutions against a project for annexing Montreal district to Upper Canada.—Attorney-general Stuart and Judge Kerr displaced.—Address of the legislative council to the king.—Double vote of its president.—Eastern Townships.—Session of 1834.—Despatches of Lord Stanley on different subjects.—General view of the condition of the province.—The Ninety-two Resolutions.—Accusations against Lord Aylmer.—Address of the legislative council.—Prorogation.

The Report on Canadian Affairs, by a committee of the house of commons, suggested many things but decided none; and not hav-

ing been (formally) adopted by the British parliament, abuses on one side, and dissensions on the other, resumed their course. Many persons flattered themselves that metropolitan polity was about to undergo mutation, and become more impartial and more just in its dealings with the French-descended colonists; that administrative abuses would be abated: that, in fine, every means would be taken to restore concord among the three branches of the colonial government. It turned out that they were under a delusion. The ministry intended to enter upon no reform, and determined to make no real concession. The British minority were left in undisturbed enjoyment of all the executive departments; and, by means of their places in the two councils, exercised a legislative potency equal to that of the French-Canadian majority, represented by the assembly. Between the two rival bodies they counted upon exercising, themselves, an authority to their own liking, through the medium of the governor.

Sir James Kempt had received very exact directions how to act. He was to play a one-sided part under the guise of the most perfect impartiality: without letting down the council, however, which was still to be used as a barrier against the pretensions of the people's representatives. He performed the task appointed with great address, and disappeared from the scene at the nick of time when vague professions would no longer serve his masters' turn. When he assumed the reins of government, he turned his regards upon the ministerial press, the licentiousness of whose writers knew no bounds. He issued his orders, and their tone forthwith became more moderate. He also stopped the political prosecutions begun at the instance of his predecessor. The liberal press, admonished by the deputies after their return from London, and by the leaders of the assembly, followed the example of the official organs.

The country was in anxious expectation as to what might transpire at the next assembling of the provincial parliament, as, till then, no official account was expected of the result of the application to the British legislature and government regarding colonial questions which had occasioned so much inquietude. Some persons expected that full justice would be done in the case; others that concessions would be made, if only nominal.—The legislature

met near the close of 1828. The governor recognized M. Papineau, when presented to him, as president of assembly; and addressed the chambers in a discourse, wherein he observed that he would, by special message, communicate a despatch he had received, relative to the employment of the public revenue. He informed them that the ministers had taken off his shoulders all responsibility, and that the chambers would find in the views of the home government a lively desire to retrench all abuses.

This discourse, which, it was said, was sent ready-made from London, really contained very little worth remarking on. The two chambers maintained a corresponding reserve in their replies to it. The assembly-men, however, did make an exception to this guardedness in one point, for they judged it proper to protest thus early against the act of the executive council, by which the latter had, in the year preceding, disposed of public moneys without their sanction. Nevertheless the chamber, in its reply, expressed great satisfaction at the nomination of Sir James Kempt as governor, and promised him its cordial co-operation. A week thereafter, the promised message was delivered; it contained the decision of the ministry on the question of the supplies, and upon a few minor points in despute. After some general observations on the loyalty of the Canadians and on the desirability of restoring harmony in their country, the message announced that recent discussions on the subject of employing the proceeds of the public revenue had attracted the attention of the king, who had looked into the subject with the intention to regulate the affair in a way to reconcile what was due to his own prerogative, while he manifested regard for his subjects' rights. So much of the revenue to which the Imperial parliament had given an irrevocable destination would not have been put at the disposal of the provincial legislature, and therefore was now to remain under the charge of the crown. This revenue, added to certain provincial supplements (*subventions*), and to the sum of £3000 to £4000 for casual and territorial income, formed a grand total of £38,000, which was to be annually placed at the disposition of the government. If the chamber chose to pay the salaries of the governor and the judges, the home government was willing to take into its keep the rest of the money until the assembly should make known its views

as to the best mode of its employment. The ministers expressed a hope that this proposal would find acceptance, but in any case they had a project in hand for regulating the financial difficulty in a definitive manner. As for the insufficiency of the securities given by the receiver-general and the sheriffs, the home government would become responsible for the safety of all money paid to the army commissary. Any arrangement made on an equitable basis as to the sharing of the customs revenues by the two provinces would be cheerfully acquiesced in by the British ministry. Finally, the ministers expressed a wish that unsettled lands (disposed of) should be taxed, and registry-offices established.

We have here given, as above, the sum and substance of the reforms accorded. The salaries of the governor and judges once paid, the assembly might be consulted as to the mode of employing the public revenue put at the disposal of the executive council under the authority of the home government, provided always that the former should apply it to such purposes, and in such manner, as not to impair the action of the latter. Now, in order not to diminish that action a permanent vote was wanted, and it was precisely to render the executive less independent in that regard, that the people's representatives had striven to bring the whole revenue under their own supervision by a yearly distribution of it. The ministry had a financial project in hand, it was said, but what could it be? It was for those whom the tax-payers had elected to look after their interests, to regulate the finances, and not the colonial-office functionaries; the latter being no ways responsible to the chamber for what they might do or leave undone: and they were besides, now more than ever inspired by sentiments hostile to the French-Canadians. All explanation, every suggestion, coming from that quarter must needs be illusory in the present case. As a consequence, the assembly, after referring the message to a special committee for further consideration, already arrived at the conclusion that the compromise of the home government would prove nugatory.

When the committee presented its report, it was adopted almost unanimously, after a call of the house. The decision arrived at was, that in no case would the assembly recede from its determination to assume unlimited control over the entire financial re-

ceipts and public expenditure; that the Imperial parliament, wherein Canada had no representative, had no right to interpose for the renovation of laws which the Canadians considered needful for the maintenance of their rights; and intimating that interference in the local legislation of Canada in any way by British legislators could only aggravate existing evils. The chamber, on its part, willing to second the kind intentions expressed by the ministry, agreed to take into consideration the estimates presented to it; and when a final arrangement should be come to, it would make the salaries of the governor, of the judges, and of the executive councillors, independent of annual voting. It announced, at the same time, that a bill would be passed, sanctioning, after due examination, the outlay already made; that it had received no complaint against the existing division of the customs dues between the two provinces; and that it would willingly co-operate in any measure for behoof of the Eastern Townships. Lastly, the opinion was enunciated, that, in order to establish peace and restore harmony in the province, the following points should be regulated satisfactorily:—

1. Independence of the judges, and their seclusion from the political business of the province.

2. Responsibility and accountability of public officers.

3. A greater independence of support from the public revenues, and more intimate connection with colonial interests, in the composition of the legislative council.

4. Application of the Jesuits' estates to educational purposes.

5. The removal of obstructions to land settlement.

6. A redress of grievances generally.

These resolutions were embodied in addresses to the Imperial parliament; which, at the instance of the assembly, the governor transmitted to London.

The council, on its part (at Kempt's suggestion, doubtless), rescinded a resolution it had passed in 1821, expressing a determination to take up no bill sent for its consideration, unless drawn up in certain prescribed forms.

The chamber passed 79 bills this session, out of which but six, reserved for the royal consideration, were unsanctioned by the governor. Among the latter was one augmenting the number of

representatives to 84. The assembly had previously voted that there should be 89 in all; but the council retrenched one member from several counties to which two members had been allotted, and had given two to others that had but one: so that, with these modifications, the resultant totality stood as above. The assembly, not willing that the measure should miscarry, agreed to adopt the council's emendations. Among the laws unsanctioned by the governor there were several of great importance, whether from the principles they established or confirmed, or by the impulsion they gave to the progress of the country. Such were, for instance, those which gave a legal status to Jews and Methodists; those which accorded large sums for improving the highways, for extending the navigation of the St. Lawrence, and for the encouragement of literature and science. The funds voted for all purposes this year, exceeded £200,000. The chamber also passed a vote of thanks to Sir James Mackintosh and to Mr. Labouchere, its friends in the house of commons; also to its agents extraordinary, Messrs. Neilson, Viger, and Cuvillier.

When the following session was opened, Kempt hastened to inform the two chambers that the trade and public revenue of the colony were on the increase; that schools had been everywhere established, that the roads were improving; and that the public accounts were getting into proper order. He suggested that, for the advancement of the colony in its new career, the currency-laws should be ameliorated, and education still better cared for; that additional tribunals should be erected in the more populous counties, that uncultured land-holdings should be taxed, and hypothecations of property registered. As for the petitions sent to England, the governor said, that the British ministry had not been able, up to that time, to submit the (provincial) supply question to the imperial parliament, but they were in the way of doing so. Meantime, the assembly was solicited to vote the civil list of the preceding year.

The chamber turned its attention during this session to the old militia ordinances, of which Lord Dalhousie had made such an abuse; and resolved, by a majority of 31 against 4, to send an address to the king, protesting against the revival of those laws: which were all the more dangerous for having been enacted at a

time when the country was under despotic rule. "The chamber," said Mr. Neilson, "has unanimously decided that they are still in force." Whereupon M. Papineau observed, "if the chamber yields to the desires of the inhabitants, then those ordinances are abrogated; for when all the people in any country unanimously repudiate a bad law, there is no possibility of executing it: therefore, I say, the (obnoxious) laws in question are already abrogated." Mr. A. Stuart here exclaimed, "This is rebellion!"

As for the supplies demanded, the chamber, while granting them, intimated that they were accorded provisionally only, and in expectation, first, of a satisfactory arrangement being made as to them at an early date; on condition, secondly, that the grievances admitted to exist, in the Commons' Report, should be redressed; thirdly, that the legislative council should be reformed; fourthly, that the judges should not intermeddle with partisan politics, nor sit in the executive council; lastly, on condition that a tribunal should be established for judging incriminated state functionaries.

The councillors, noting the inflexible opposition (*acharnement implacable*) of the assembly to them, would have fain rejected the supply bill, without taking it into consideration at all; but the governor exerted his influence, and gained over some of the members. When the bill was put to the vote, the members for and against were 7 to 7. Old Judge Sewell, always ready at finding an expedient, gave a double vote in its favour; voting once as a councillor, and again as president of council. The protestant bishop, Mr. Stewart, attended at the board on this occasion, for the first time during the session, at the instance of Sewell, merely to help the cause with his vote. The (nominal) minority entered a protest against accepting the bill.

Kempt expressed his regret that the assembly had not voted the whole amount asked for, which included, besides the current expenses, the arrears of certain salaries; but, nevertheless, thanked the members collectively for the liberal grants they had accorded in the special allocations for the public benefit, already detailed. Besides these, a handsome sum was accorded for constructing along the harbour of Montreal, a magnificent revetment-wall of cut stone; for encouraging steam navigation between Quebec and Halifax;

for erecting a custom-house at Quebec, and lighthouses at various points of the St. Lawrence shores; £12,000 were voted for constructing a prison at Montreal; £12,000 for a mariner's hospital at Quebec; £38,000 for improving existing roadways, and opening up new paths through the forrest territories, in order to facilitate the formation of new settlements; finally, an educational grant of £8000. In a word, the chamber wished to prove that, if it desired to exercise more influence upon the executive than hithertofore, it had the public good alone in ultimate prospect; that it was solely inspired by a consciousness of the want there is, in every rapidly growing community, for its representatives to have an extended scope wherein to develop and direct the expanding energies of the inhabitants. The governor knew well that these desiderata must needs be realized sooner or later; he was also aware, that if reasonable concessions were not promptly made, difficulties of a yet graver character than any thitherto experienced would follow, at no remote time. It was only by using the greatest reserve in his own dealings with the legislature, that he was able to avert the risk, ever imminent, of troubles bursting forth even under his own cautious guidance of the reins of state; for the least untoward accident, at any moment, might have abruptly brought to an end the good understanding which appeared to exist between him and the representatives of the people.

The composition of the two councils, legislative and executive, was engaging the attention of the home government. The colonial minister wrote to inquire whether it would be proper to re-constitute both councils; and especially if it would be advisable to introduce thereto more members not dependent on the ruling power (meaning crown functionaries); provided always, that there were in the colony a class of men whence such persons might be selected for the purpose. Kempt replied, that the legislative council was composed of 23 members, 12 of whom were placemen; and that in respect of religious profession, 16 were protestants, and 7 were catholics. He stated, that the executive councillors were nine in all; that only one of them could be said to be independent of the government, and that all were protestants but one. Sir James, after giving these details, expressed his opinion that no organic change in the constitution of the councils was desirable;

still he thought more independent members than those then in the legislative council, might be gradually introduced; he also advised that only one member of the bench, namely the chief-justice, should be allowed to occupy a seat at either of the council boards. The governor assumed likewise, that it would be expedient to place one or two of the most distinguished members of assembly in the executive council, in order to engage the popular branch of the legislature to put more confidence than it yet had in the government, which would then be carried on partly by its personal participations; and this result, were it attainable, he urged would be of the greatest moment for preserving the peace and assuring the continued material progress of the colony. With respect to the inquiry made as to whether there were *staple* in the community out of which to make councillors of either kind, he assured the minister, that there was an abundance of persons of honourable standing and good report to fill up every vacancy that might occur. Kempt's return despatch having been laid before the parliament, no sooner was its purport known in Canada, than the chief inhabitants of the counties of Richelieu, Verchères, St. Hyacinthe, Rouville, and Chambly, met at St. Charles, under the presidency of M. Debartzch; and expressed an opinion, that, although the previous conduct of the governor had been of a character to soothe the irritation and lessen the hatred excited by the arbitrary and extravagant policy of Lord Dalhousie, the despatch in question had awakened serious apprehensions in the public mind. If the two councils, the remonstrants added, were not to be reformed, the most serious disorders might be expected to ensue; because, such not taking place, there was no hope remaining of seeing harmony restored between the different branches of the colonial government (*législature*).

Kempt, who previously foresaw that a moment would come when he must pronounce for or against the entering upon the reforms called for on all sides, had solicited his own recal; as not caring to confront the difficulties sure to lie in the path of a successor. He was aware of the advanced state of adverse public feeling, and that the country would not be content much longer to accept general declarations of good intentions; also that a formal recognition, or a flat refusal, of what had been asked and waited

for, would soon be demanded. Although he had replaced the magistrates superseded by Dalhousie, had made a purgation of the roll of justices of the peace, had begun a desired re-organization of the militia, and restored to their rank some officers who had been cashiered for political unconformity,—despite all these considerations, he must have seen, from the tenor of the resolutions passed at St. Hyacinthe, that his past popularity as an administrator would not survive his official term, however near it might be.

He was replaced by Lord Aylmer; who arrived at Quebec, Oct. 13, 1830. With the same programme furnished to him as that of his predecessor, the new governor had yet greater opposition to encounter; for there was an augmented antagonism in the assembly to face, and consequently more difficult to satisfy. The reforming party was, in fact, formidably strengthened. The former assembly-men in opposition had been all re-elected by great majorities. The re-constituted chamber of representatives was composed of 60 French-Canadians, and only 24 members of British birth or descent. Several of the latter, however, had obtained their seats, by French-Canadian majorities; a proof that principles operated for or against rather than predilections of race among the (mixed) constituencies: national prejudices, in fact, were at this time far stronger among the government officials than in the community. The antipathy of the colonial bureaucrats was so intense against our race, that great repugnance had to be overcome at head-quarters before any Canadian was allowed to be nominated to a seat in either council. A sentiment of fear, in the breasts of the exclusionists, of increased troubles arising, and the strong recommendations of Kempt, were both wanted, to induce the colonial-office to sanction the appointment of the Canadian councillors at the time mentioned.

Lord Aylmer opened the session late in January 1831, and adverted, in his speech on the occasion, to the demise of George IV (June 26, 1830); also to the change of ministry consequent thereon; which had delayed, he said, the intended solution of the Canadian financial question; but he added, that the new cabinet was about to take up the subject, and he trusted that coming instructions would enable him to put an end for ever to all differences regarding it. The assembly, by way of testing the dispo-

sition of the new executive, hastened to pass a bill for preventing the judges from sitting in either of the two councils; which measure was forthwith quashed, on presentation to the upper chamber. Most of the members of assembly inferred, from this prompt counter-action, that the British ministry would adhere to the policy of their predecessors; and the former resolved, on their part, to persist in sustaining their own pretensions. They next accused attorney-general Stuart of being guilty of fraudulent dealing in his canvass at William-Henry (Sorel); of partiality in the exercise of his functions; of extortion, as having exacted unauthorised fees for expediting renewed commissions to the several notaries public;* for having lent his ministry to the Hudson's Bay Company against the administrator (*locataire*) of the King's Posts, whose interests, as chief law-officer of the crown, he ought to have maintained. The assembly referred these charges to a select committee, which, having reported that they were well founded, a demand was made on the governor to cashier Mr. Stuart; but he was only suspended in his functions for the time, till he could be heard in his defence at head-quarters, whither he had to repair. M. Viger was sent to London, to support the assembly's accusations; and, after two or three years' consideration, the colonial-office displaced Stuart, and appointed his successor.

The governor, at length, received a despatch, containing the particulars of the arrangement made by ministers regarding the supplies. They gave up all control over the colonial revenues, except the casual and territorial income; on condition, however, that a civil list, of £19,000 a year, were granted to his Majesty for life. This reservation, far from being exorbitant, was really very moderate; for its importance, in relative amount, was daily diminishing, owing to the material progress of the country, and the growth of its pecuniary means. Nevertheless, the assembly refused to sanction the arrangement proposed: a great fault on its part, committed however, inadvertently as it were, through the pressure of other agitating questions, which distracted the attention

* Notarial commissions, it was ruled by the colonial law authorities, lapsed through the recent demise of the crown.—*B.*

† Namely: the Jesuits' estates, the King's Posts, the Forges of St. Maurice, the landing dues (*quai du roi*), the *droits de quint*, alienation

of the members from a proper consideration of proprieties attending the subject of the civil list. The government, on its part, was wrong in not having sooner proposed such a solution of the difficulty as that now brought forward; for, after so many intermediate differences between the executive and representative powers, men's passions had been excited, and what would have been readily accepted at a former time, was rejected now. Add to all, that the two councils had fallen so low in the esteem of the public that few could be made to believe in the possible existence of a just and impartial administration, so long as those two discredited bodies stood by, ever ready to counsel arbitrary acts or justify them when consummated. The opposition party at last demanded immediate reforms, and guarantees for more, to an amount which scared the home government. Up to the present time the executive, having the mastery of both councils, with the army at its disposition,—with, in short, the whole force of the British empire to back it,—had been able to restrain the antagonistic action of the representatives of a population of 400,000 souls within manageable bounds; but what might, or might not, the future bring forth!

The colonial-office was well aware that the rule of right was all in favour of that body of people, numerically weak as yet (*fragile encore*), which had founded Canada; and that it would be impossible, much longer, to violate all proper principles in dealing with them,—unless, indeed, it were intended to brave the censures of all mankind: therefore it was, that the union project of 1832 was privily concocted, with the intent once for all to put a climax, when the time for operation came, with a single stroke,—one only more unjust because greater than all those that went before,—on the thousand injustices which constantly disgraced the inflictors. The end in view was ever evident: it betrayed itself by the refusal of all reforms fitted to restore harmony to the country; and therefore it was, that the assembly stood on its guard. Its duty was to compromise nothing, but to profit by

fines (*lods et ventes*), the land fund, and the timber fund. The whole amounted to nearly £7,000 a year. This collective revenue the government reserved for its own use, because it formed no part of the income derived from taxation, but was derived from the crown domain.

present circumstances, and, above all, the passing times, which were and are raising up, in the American confederation, a rival power, against which Britain will soon be obliged to seek for allies, if she would continue to guide the course of commerce and remain paramount on the seas. Adopting firm and skilful polity, the Canadians were in a condition to vanquish national antipathies, and induce the dominant people to substitute for blind prejudices a proper sense of their own interests. A nation like Great Britain cannot regard invidiously the privileges (*institutions*) of a people not a million in number, located in the far corners (*l'extrémité*) of America. Unfortunately, in a limited community, the passions soon become inflamed; and acts of injustice, felt too quickly, with a stinging sense of the wrong done, are seldom endured with that prudence needed to bide the time of efficient reparation, which, although tardy to arrive, is pretty sure to come at last. The sequel of the events we are about to narrate, will prove the justice of the observations we have just made. It was forgotten, too, by some of the actors in the former, that, among the ministers who successively presided in the British colonial department, there might have been some who really did not enter deeply into the design of *anglifying* the French-Canadian race; nor were committed to the project of a union of the two Canadas. Lord Goderich, for example, was not bent on realising the latter measure. Better informed than his colleagues of our wants and wishes, through his intercourse with M. Viger, he showed a greater desire than they to make the concessions demanded from the ministry. It was he, also, who originated the proffer lately made, and just rejected as we have seen, regarding the annual supplies, which yielded almost all that had been demanded by the chamber on this capital point.

Notwithstanding this, and making no allowance in his Lordship's favour on account of the difficulty which he probably had to bring his colleagues to concede so much, the assembly distrusted him quite as much as any of his predecessors in office; and, in place of sanctioning the civil list as he proposed it, demanded a copy of his despatch containing it from Lord Aylmer. The latter replied, that he was sorry he could not communicate it; for, in accordance with a general rule imposed on all colonial governors, they were not to show any ministerial despatch without a special permission,

in each case, from the secretary of state for the colonies.* The assembly manifested its pique at this refusal; and a call of the house was ordered, upon a motion made and adopted, for taking into consideration the state of the province. This step might be rightly construed into an indication of a design to extend its pretensions. A message was sent to the executive council demanding an account of the expenses incurred in forming the Chambly canal; all the details of the civil list; a statement of the increase arising from the Jesuits' estates; a statement of the revenue of public lands and forests, with explanations as to the proposed employment of the proceeds thereof; lastly, an inquiry was made whether the admiralty judge was paid by a salary or with fees. The governor satisfied the assembly only in part as to these points. He announced to the members, however, that the ministers proposed to bring a bill into the imperial parliament, revoking that which charged the lords of the treasury to fix the expenditure of the revenues which the cabinet had agreed to put at the disposal of the chamber.

The committee to which all these documents were referred, presented its first report the day before that appointed for a call of the house. "As the chief recommendations made in the house of commons report," said the committee-men, "have not been attended to by the British government, although more than two years have elapsed since they were made; and as the demands now advanced do not correspond with the committee's proposals regarding the finances, nor even with the rider (*annexe*) appended to the bill introduced to the Imperial parliament last session, by the colonial minister,—taking these things into consideration, your committee is of opinion, that it would not be proper to accord permanent grants to defray the expenses of the government." Next day, M. Bourdages, seconded by M. Lafontaine, moved that the supplies should be refused until the public income, without excepting any part of it whatever, were put under the control of the

* When I was making researches for this work, Colonel Bruce, Lord Elgin's secretary, showed me this rule, printed in an official book containing general directions for the guidance of all governors of the British dependencies.

assembly; till the judges were finally excluded from the councils; till the councils themselves were reformed in all other respects; nor until pledge were given that crown lands should be granted in fee-farm or soccage tenure (*en franc alleu roturier*), and put under the regulation of French law. This last condition, judged to be premature, however, was rejected by 50 dissentient against 19 assentient votes.

The day being that for a call of the house, the debates regarding the state of the province now commenced. They lasted for several days; and terminated by the adoption of new petitions to the British legislature, to which, or to the king in person, appeals were ceaselessly making. It was during the above discussion that Mr. Lee, seconded by M. Morin, made a proposal, hoping that concord would be restored thereby, to make the legislative council an elective body.* A renewed demand was made by the chamber on the home government for municipal institutions, and to be put in possession of the Jesuits' estates. It protested against the administration of the public lands, and against the trade acts, passed in London; against the introduction of English laws, and the intervention of the judges in colonial politics; against the non-responsibility of state functionaries, and the interposition of the British parliament in colonial affairs; lastly, against the partiality manifested in choosing members of the legislative council. It was added, also, that the abuses signalized by the committee of the British commons still existed as before.

Lord Aylmer, who was a man of very sensitive temperament, appeared to be much affected by these renewed appeals to the metropolis. When the assembly presented to him, for transmission, the petition to the king, he observed to a deputation of members, that perhaps there was more than met the eye in the memorial itself; that possibly they had ulterior views in getting it up; that, for his part, he did not object to the abuses, enumerated in the petition, being signalized and denounced; but he assured those present that several of these grievances were in a fair way of being

* This proposal was set aside by a majority of 24 against 18; a division which indicated that there was already a strong party in favour of the elective principle.

abated, if not quite redressed. He would nevertheless, he said, be much better satisfied if he could persuade himself that the document in his hand comprised all the subjects for complaint the chamber meant to expose. Of this he felt quite uncertain; he therefore begged the members to take him into their confidence and hide nothing from him. On his own part, he protested that he had made everything communicated to him known to them, looking upon dissimulation and underhand dealing as unworthy of the government, and not deserved by the frank and loyal-hearted Canadian people; he trusted, therefore, that there would be no unreasonable distrust on their side. Briefly, he demanded, Had the chamber said all it meant to say? were there not other complaints kept in reserve, to be brought forward on a future occasion? He implored the assembly, in name of the sovereign, who was sincerity personified, to unveil the whole truth, so that the British people might take a comprehensive view of all the evils that the Canadians complained of. After the expression of such sentiments as these, delivered with as much earnestness as ingenuousness, it would be difficult not to acknowledge the sincerity of Lord Aylmer at the time, for it would be unfair to attribute to hypocrisy such an outpouring of feeling. But the scene which thus took place between the parties, served to bring into play the great divergence existing between the views of the governor and those of the people's representatives."*

One member from the Eastern Townships, about this time joined the majority of assembly in opposition to the dominant oli-

* "To this eccentric answer, implying, in some sort, the expectation of an impromptu reply from the assembly, wholly out of the question according to parliamentary rules and usages, without previous deliberation of the body, the members listened with attention and silence, but no further notice was taken of it. Many out of doors applauded it as a smart and seasonable rebuke, that might check the disposition of the assembly to hunt up grievances; but by many also it was deemed unbecoming and injudicious in the governor, so freely to interpose his admonition to the representatives of the people, while in the act of presenting him a petition addressed to their sovereign, expressive of their grievances, after mature deliberation, and the whole couched in dutiful and respectful language." R. Christie: *History of Lower Canada*, iii, 336–7.—*B.*

garchy. The latter party it was which had inspired the colonial-office with the idea of passing the Act of Tenures, in order to prevent the French laws from being extended to these townships. Mr. Peck, a barrister, rose in his place and moved that a petition should be addressed to his Majesty, praying that he would revoke the law in question, and restore the old system. He declared that the law of tenures had been passed against the wish, and was detrimental to the interests, of the inhabitants; another instance of the evil influences which held sway in the colonial-office! Judge Fletcher, an official from the Eastern Townships, being accused of tyranny and irregularities (*d'abus*), the chamber solicited the governor to take order for the protection of the inhabitants against his injustices. Judge Kerr also was accused of divers malversations. The public, scandalized at so many disorders being dragged into light, grew more and more distrustful of the colonial authorities; and a time was evidently near when partial reforms would no longer satisfy the general expectations of the country. In 1831, Lord Howick, under-secretary for the colonies, got a law passed, despite protestations against it by Wellington, for amending the Canadian constitution in such a way as to allow the two chambers to dispose of all the colonial revenues, in exchange for a permanent civil list of £19,000. Reforms that have to be waited for are always suggestive, intermediately, of many more; and this truth became manifest in Canada, for the chamber already demanded several new reforms before voting any civil list. In proportion as it advanced in its career of opposition, it obtained a clearer view of the true source whence the evils of the country flowed.

The parliament re-assembled Nov. 15, 1831; when the representatives received a copy of a long reply from Lord Goderich to its addresses of the preceding session. It was referred to the committees of public instruction, of commerce, of the administration of justice, of executive and judicial officers, and of audits, which were each to note the several parts of it that concerned those subjects severally. A more important despatch still followed the preceding. It invited the chambers to pass a law to make the judges independent of the crown, and irremovable during good conduct; the measure conditioning that their salaries should be fixed; in fu-

ture, no judge to be appointed a councillor, with the exception of the chief-justice; and he even to be debarred from taking part in political debates. On presenting the resolution passed on this subject, by the Imperial Parliament, Lord Aylmer asked the assembly to vote the remainder of the civil list. The members, evading the request, formed themselves into a committee of the whole house, to take into consideration the composition of the two councils; and, after long debates, the question was adjourned. The bill relative to the judges having been adopted by the chamber and passed in the council, the governor prayed that the chamber would vote the payment of his own salary, along with the salaries of the provincial secretary, of the attorney-general, and of the solicitor-general. These salaries, with the pay of the judges, some other payments, and small allowances, made up a total of £19,000. His lordship's request was discussed in a general committee; but the house rose without coming to a vote, which was tantamount to a rejection of the suit of the governor. Never, as has been often said, did the assembly commit so serious a fault as this. But already a malign influence carried it beyond prudential limits. The late elections had, in fact, changed the character of the body entirely. A number of young men having persuaded the constituencies to return them, they brought into the assembly their exaggerated ideas; and pushed on the chief leaders of the debates, who needed restraining influences after polemical heats, rather than to be further impelled into a hazardous course. Messrs. de Bleury, Lafontaine, Morin, Rodier, &c., opined that it were a pity to stop (even for a moment) in mid-career. It was absolutely necessary (it seemed to such as they) that the people should at once enter into possession of all the rights, and of every privilege, which devolved indubitably upon all the citizens of the New World; that there was nothing to be risked by making unlimited demands, for was not the American confederation standing by, ready to receive into its arms the Canadians, if they were worsted in a sacred struggle with metropolitan impatronisation? Such being the humour of the majority, all proposals for adopting a middle term, or for coming to any compromise, were of course resisted. The more ardent members formed a group around M. Papineau; they excited him into further opposition; they promised him the firmest

support in all things, on every occasion! Seeing none of the obstacles in the way of their headlong course, they imagined that they could constrain the British nation to give way before the rush they were making to the goal; or to be led into whatever by-path they chose to point out. They did not reflect that the British government, more skilful than their leaders, would ultimately make use of their divagations (in order to realize the very system they most dreaded): we mean that best described in the words of the Report of Lord Durham, its reviver, if not originator,—"The settlement, in this province, of a British population having English laws and usages; and to confide its direction only to a legislature of a thoroughly British character."

Notwithstanding the warmth of sentiment breathed on all occasions, outwardly, by Lord Aylmer, it was easy to perceive that the repulses he received from the assembly had made him distrustful of its intents. The communication which he had it in charge to make to the members respecting the clergy reserves, for want of a better understanding between the parties became another cause for contentions. The public lands appertained, of right, to all the communities, without distinction of sects. The imperial government nevertheless set apart, without any proper reason or colourable pretext, and at a time when religious prejudices were extra-prevalent, a considerable part of that property for the support of a Protestant clergy; this, too, in a country where professors of Anglicanism were as so many units among hundreds of its adversaries. Thus was Canada treated like Ireland, where catholics and dissenters alike have to pay tithes to Church of England parsons,—for between the fruits derived from the land, and the disposal of the land itself, when either is reserved for special uses, there is no material difference. Lord Goderich, aware of the faultiness of such a misdirection of public property, invited the assembly to regulate the clergy-reserves system in whatever mode it thought would be most advantageous. Here was an equitable and important concession. The chamber at once passed a (trenchant) bill for annulling that article in the colonial constitution which recognized the validity of the clergy reserves. Sustained by the members for the Eastern Townships themselves, the assembly got up another bill, for revoking the law which Ellice induced

the Imperial Parliament to pass, which authorized proprietors of land to sell them at whatever price they could get, and to introduce the English system of tenure. We need hardly add, that both these bills were quashed by the council; whose spirit, at this time, may be inferred from the fact, that it had imprisoned the publishers of the journals *La Minerve* and *The Vindicator*, for over-free comments on its proceedings; finding these newspaper criticisms none the more palatable for being accompanied with contrasting praises of the assembly. With respect to the crown lands, Lord Goderich inclined that, instead of making grants of parts of them gratuitously to all applicants, they should be periodically put up, in allotments, to sale by auction: he intimated, however, that if the assembly could think of any better system for the public advantage, he was willing to sanction it. In regard to the clergy reserves, his opinion was the same as that of the assembly—they ought to be abolished. "When any system adopted to raise money for public purposes is found to be distasteful to the contributors, its intended appropriation to the clerical uses of a minority of rival religionists makes it seem all the more odious in the eyes of the majority."

The assembly, having concluded its inquest respecting the judges put under accusation, demanded that the governor should suspend them from their functions. He refused to do so, under the pretext that these functionaries were not in the same position, officially, as Mr. Stuart, they being independent of the executive council; but intimated to the members, at the same time, that if the legislative councillors would back the present application, he would yield to it. Meantime new complaints having been made against Judge Fletcher, they were referred to a committee of assembly, which made a report upon the charges; but an adjournment of the chambers took place before any action could be taken in the matter.

One of the latest resolutions of the assembly embodied a demand that the post-office should be placed under legislative control. Aylmer, when he prorogued the chambers, expressed his regret on finding that, after all the (fond) hopes which the votes and resolutions of the assembly had given rise to, it should have met the request of fixing the civil list by an *ignoramus*. He in-

formed the members, that, however inconvenient it might be, his duty now was, pursuant to the orders given him, to submit the bill for the annual supplies to the consideration (approbation) of the king.

Despite all the concessions made by Lord Goderich, the excitement in the country never slackened. The British party, on its side, trembled with rage at the reforms proposed by that minister. The French-Canadian party, on the other hand, firmly believed that these reforms would have no good results, so long as there were a majority of these men in the councils and executive departments; that, in short, so long as the latter possessed a preponderance in the government, the invidious distinctions (démarcation insultante) between victors and vanquished would for ever exist.

It was amidst these discords that an election of a member of assembly for Montreal took place, and which lasted through three weeks of an obstinate partisan struggle. Its course was accompanied by fitful rioting: on one of these occasions (May 21) the troops in garrison being called to assist in quelling a disturbance, fired upon the people; three persons in the crowd were killed, and two more wounded - a sad episode, which created a deep and painful impression on the public mind. All the odium of this transaction was laid on the executive council; "which knew so well," it was said, "how to choose its victims." The governor solicited M. Papineau to attend the inquest upon the bodies; but the latter declined to do so, thinking that his presence would have been ill looked upon by the British inhabitants, and might be misinterpreted as an interference with the administration of justice in the case.* The (Asiatic) cholera, which burst out this year for the first time in Canada, but of which malady there died in the

* The coroner issued his warrant for the arrest of Colonel Mackintosh and Captain Temple, the two officers in command of the soldiers when they fired upon the people. They were, however, let out on bail till their trial should come on. The judges having declared that the procedure was illegal, a renewed sensation was got up against these officers; but the grand jury threw out the bill of accusation drawn up in view of their trial. The whole affair occasioned much trouble among the inhabitants of the city wherein the bloodshed took place.—*B.*

space of five months, 3,300 persons in Quebec alone, terrible as the visitation proved to be, had scarcely any calming effect on the political perturbations of the time. Public meetings continued to take place in divers parts of the province. The parish of St. Charles, which seemed to be the recognized focus of agitation, gave the example of a mode of treating public questions new to the country. The malcontents acted, it was said, in imitation of the Irish, under the leading of O'Connell; but the leaders, in the present case, found it impossible to stay the course of the movement they now followed rather than counselled. In a meeting of the chief inhabitants of the district of Chambly, it was declared that Britain was responsible for the ravages of the cholera;* because the malady had been introduced to the country by a great influx of emigrants, in whose bodies were the germs of the infection. True it was, indeed, that 52,000 emigrants were disembarked at Quebec in the course of one year.†

At the public meeting referred to, besides mooting the cholera grievance, protestations were made against the conduct of the magistracy regarding the riot of May 21, and many other topics of discontent were passed in review; the greatest complaint of all duly surging up,—namely, the (quasi) exclusion of French-Canadians from public charges.

The British party also had its meetings contemporaneously, in which counter-resolutions were passed, as a set off to those of St. Charles. The attorney-general and solicitor-general of Upper Canada convoked the citizens of Toronto, in view of petitioning the king to annex the district of Montreal to that province. Lord Aylmer, by this time, had quite broken with the members of assembly, and was at issue with French-Canadianism generally. He made a tour of the Eastern Townships and through the valley of the Ottawa, whence he wrote to Lord Goderich that the former region could absorb 500,000 immigrants, the latter country 100,000

* Thus Irish agitation, in its turn, returned the compliment and paid homage to Canadian absurdity, by making the British government and Lord John Russell in particular, accountable for the "murders" resulting from the potato rot!—*B.*

† Not an unamusing example, this, of that peculiar kind of logic which thus argues: "*Post* hoc, ergo *propter* hoc."—*B.*

at least: adding that a stimulated peopling of these and other disposable parts of the Canadas from Ireland, was the best way of settling the vexed question of the two races.

Lord Goderich, meanwhile, was using his utmost efforts to correct abuses. Eleven new members, eight of whom were French-Canadians, were added to the executive council, by way of popularising it in some degree. "For a length of time" says Mr. Christie in his History of Lower Canada, "this body had been falling in public esteem, and its reputation was now almost entirely gone. There was nothing aristocratical in its composition; and, generally, the character and status of the members it was made up of, were not of a nature to win for it the confidence or regard of the community." But the reforms made were not effected so rapidly as to content the public. The governor spoke with moderation to the chambers, when he met them once more, in 1832; he passed in review the subjects they were to take up, abstained from all mention of the civil list, and gave well-deserved praise to the courageous conduct and devoted attention of the clergy and medical men during the pestilence which had decimated the population. The assembly, jealous of its privileges, now protested against the censures which, it believed, had been made on its conduct, in the prorogation discourse of the previous session. Soon afterwards, it received a message, containing the views of the minister respecting the bill of supplies which had been laid before the king. For the future, the governor was not to sanction any money bill in which a distinct specification of each sum, and the purpose for which it was granted, was not entered; and as the ignoring of the question of supplies last session, was equivalent to a rejection of them altogether, the king would continue to defray the public expenses with the funds which had been (otherwise) put at his disposition. As for the bill making the judges independent of the crown, it had not been sanctioned, because the chamber had not fixed their salaries permanently, in accordance with British practice; a system all the more necessary to be adopted in Canada, said his Lordship, as the population was divisible into two classes, differing in origin, language, religion, and habitudes; and as the preponderance of one of the two in the assembly excited the jealousy of the other.

This resumption by the colonial-office of a retrogressive or stationary policy, quickened the spirit of opposition in the assembly. Its table groaned under a load of petitions against abuses and claiming redress of grievances, from the district of Montreal, of Two Mountains, of l'Islet, of Richelieu, of St. Hyacinthe, of Rouville, of Chambly, of Verchères, &c. The election riots at Montreal and their untoward accompaniments becoming a special topic in these petitions, the assembly constituted an inquest upon that subject. The governor refused to answer an interrogation made by the chamber, whether he had recommended that an addition should be made to the members of the legislative council; nor did he assent to a demand made upon him, to gratify the assembly's curiosity as to the names of the additional parties he intended to nominate.—The assembly thereupon voted a call of the whole house for the 10th of January.

It was finally resolved, after a deliberation which lasted one month, ended by a division of 34 against 26, to present a new address to the king, praying he would re-constitute the council as an elective body. The chamber afterwards protested against the proposed annexation of the island of Montreal to Upper Canada; an insulated district, it was said, containing nearly 60,000 inhabitants, the greater part of whom were descended, it was added, from those whose interests were secured by the capitulations of 1760. To make such an excision of Lower Canada as was then proposed, the chamber averred, would be a violation, not only of those capitulations, but of the most solemn acts of the Imperial parliament, and a breach of faith on the part of the entire British nation.

The intelligence which arrived soon afterwards, that attorney-general Stuart and Judge Kerr had been superseded, did little to allay the prevalent effervescence. The legislative council, losing patience at the reiterated attacks of the assembly, and forced to resent them by the party it represented in the country, in its turn voted an address to the king, as a set off to that of the representatives of the people. Therein it was stated, that the councillors, having taken into consideration the dangerous and unconstitutional acts of the assembly, and the alarming state of the province, prayed that his Majesty would have the goodness

to take the necessary measures for remedying such evils. They asserted, that Canada, erewhile in a state of calm and increasing prosperity, was now falling into anarchy, and verging towards total ruin; that the greatest efforts had been made and were still making to irritate the colonists of diverse race against each other; that the interests of trade and agriculture were sacrificed by caballers; that the governor was falsely accused of partiality and injustice; that the civil and military authorities were denounced as forming a corrupt body, set up to oppress, not protect the people—their accusers' aim, in thus libelling them, being to discredit them, and thus nullify their legitimate influence; that the judges were defamed, yet to the council was denied the power of examining the accusations brought against them; and, to crown all, the assembly had made a demand that the councillors themselves should be *elected*, not *selected*.

In other passages of the same document, it was urged that the continued existence of the council, as then constituted, was essential to maintain the operation of the royal prerogative in Lower Canada, and no less so for preserving the colony as a dependency of Great Britain, as well as for the security of the 150,000 subjects, of British birth or descent, which it contained. His Majesty was admonished, that an elective council, would be, in effect, only a supplementary assembly; that if their body were thus re-constituted, public charges would become elective also. But the master evils of such a change as that proposed would be, the insecurity sure to be thence resultant for British colonists, both in their persons and property; that thereby all material progress would be paralysed, and the flow of immigration interrupted; that it would loosen, if it did not even break, the ties which bound them to their mother-country, bring about a collision between the Canadas, and inundate both with fraternal blood, (for the upper provincials would not look calmly on while a French republic were forming between Lower Canada and the United States); and finally, the council presented the fact, for his Majesty's consideration, that it had not sanctioned the mission of M. Viger to London.

The impulse which had dictated this address, carried those who drew it up farther than was needful to attain rightful

ends. The idea, that a preponderance ought to be maintained by the minority over the majority of the colonists, because the former was royalist while the latter was Gallican and republican in its tendencies, was repudiated by the minister. "His Majesty," he wrote in reply, "received with satisfaction the expressions of loyalty and attachment to the constitution contained in the address..... He cannot but wish, however, that the council had abstained from using, with reference to the other branch of the Canadian legislature, language less temperate in its tone than is consistent with its own dignity, or calculated to maintain or restore a good understanding between the two bodies. More especially his Majesty laments the introduction of any words having the appearance of ascribing to a class of his subjects of one origin, views at variance with their allegiance. On all classes alike his Majesty relies for willing obedience to the law. To every class, in return, he will always extend his paternal protection; and the legislative council may rest assured, that he will not fail to secure to all, the constitutional rights and liberty they enjoy by their participation in British institutions."—At the same time, the minister gave it as his own opinion, that the president of council had no right to a double vote on any question; but it was for the imperial parliament to decide the point, if again mooted, on any future occasion.

The late formation of a Land Company in London, for colonizing the Eastern Townships, had for some time past engaged the attention of the French-Canadian people. They believed that the association had ends in view hostile to them; that its promoters wished to secure, in advance, large territorial grants, with the intent to exclude the *habitants* afterwards, by high prices for concessions, and putting other obstacles in the way of French-Canadian settlers in those parts. This was indeed the aim of some of the men associated in the enterprise, but not of all. The assembly, having taken the matter into consideration, petitioned the king, praying that he would not accord to the company any lands, or a charter, or other privileges whatever. The legislative council, on the other hand, prayed that he would accord to the association all the benefits the assembly wished to deny to it. Upon voting the supplies, the assembly disallowed

or diminished certain items of expenditure; and reduced the totality of the sum asked for, from £54,000 to £47,000. The council, when the money bill was presented, rejected it entirely; justifying their refusal by a series of explanatory resolutions. After a session of nearly five months' duration, the chambers were prorogued on the 4th of April.

The interior government of the colony was now in an exceptional state. The cities of Quebec and Montreal had lately obtained municipal institutions. The municipality of Quebec, chiefly composed of Gallo-Canadians, passed regulations, in the French language, and presented them to the tribunals, as the law prescribed, for confirmation. The judges refused to receive them, for not being drawn up in English as well. This unexpected refusal, at a time when the public mind was so excited otherwise, furnished new arms to the claimants of a radical reform. The action of the judges in the case was denounced as a violation of the treaty of 1763. "Our representatives," urged the opposition journalists, "ought to be called on to decide whether the faith of two nations, plighted to maintain our rights, is to be played with in a such manner."

For some time past, Mr. Neilson, noting the railway speed (*entrainement*) with which a majority of the representatives were pursuing their opposition career, seceded from M. Papineau's party. Several influential French-Canadians, such as Messrs. Quesnel and Cuvillier, along with some others, had before done the like. These enlightened men, whose experience and judgment gave them great weight, acknowledged the justice of the demands by the majority; but they feared to lose, in a struggle for rights not yet conceded, those that had already been latterly obtained. Lord Goderich had made concessions and initiated reforms which were not to be despised; considering, too, that he had so acted in presence of the rooted prejudices of the British people against every thing French or catholic in its nature. In proportion as progress was made in putting those prejudices to shame, our oppositionists rose in their demands for further reforms. M. Bedard, senior, Mr. Neilson, and M. Papineau, were three of the most eminent statesmen (constitutional) Canada had yet known; and the political separation of the two latter was a real misfortune for

the country. The eloquence, the fervour of the one, was happily tempered by the coolness, the calculating temperament of the other. Neilson, being of Scots origin, had not his innermost feelings affected, personally, by the state of inferiority in which his compatriots wished to keep the French-Canadians. Both had been intimate, almost from childhood upwards; and both had thitherto fought, side by side, for the common cause. Messrs. Cuvillier and Quesnel, again, were liberals, but of a moderate stamp; both lovers of their country, and enjoying a reputation among their fellows which reflected honour on all parties.

M. Papineau, in parting company with so many of his wisest compatriots, and running headlong into a contest with the authorities of the British empire, took upon himself a perilous responsibility. When he exchanged for a time the presidential chair for the seclusion of his mansion, but was still unrecovered from the heats of party contention, he proceeded to pen an exposition of the grievances which his compatriots had to lay to the charge of Britain. Unhappily the list he had to make was long; the revolving of them in his ardent mind could not fail to excite it still more. When next session opened, he submitted this exposition to his friends.

During the same interval, Mr. Stanley replaced Lord Goderich as secretary of state for the colonies. The former had become inimical to the French-Canadians, and was a partisan of *anglification*. He approved of the governor's conduct, and that of the legislative council, on the financial question, in a despatch dated June 6, 1833, sent to Lord Aylmer.

The latter communicated this favourable testimonial of his own imputed merits to Mr. Ryland, who, in turn, wrote a letter, dated Aug. 14, to Aylmer, in which he expressed a wish that the new minister would see the necessity of engaging the Imperial parliament to regulate vexed questions by statutory enactments; adding, that if the absurd pretensions of the assembly-men were entertained, which aimed at prescribing by varying votes annually, the precise salaries and duties of every office, few Britons would incline to accept any public charge in the colony: but his comfort was, that the expanding populousness of Upper Canada would soon swamp the alien race of the lower provinces; and that then (if not before) an incorporation of the two, which he regarded as being in any case inevitable, would terminate all existing difficulties.

Six days thereafter (Aug. 20), Lord Aylmer, in a letter to Mr. Ryland, thanked him for his good counsel; adding, that their opinions, in most points, were identical, as the latter might learn by perusing a despatch he had written, the evening before, to Mr. Stanley.

The provincial parliament re-assembled, Jan. 7, 1834, when the governor informed the chambers that the king had nominated an arbitrator, whose casting vote would determine the amount of customs revenue to be shared by Lower and Upper Canada severally, after conference with the two agents, one for each province, already appointed for that purpose; adding, that a larger share would be assigned to Upper Canada than before. His discourse treated of several other subjects, and concluded with a request that the assembly would take up the financial question without delay, in order that the home government should be made aware of what it would be needful to do in the matter.

Several members desired to shun all communication with the executive council, and that the chamber should at once proceed to inquire into the state of the province. M. Bourdages, ever in the van of opposition, made a motion to this effect, but which was not carried. In replying to a passage in the governor's discourse, regarding its refusal of supplies during the late session, the assemblymen observed, that "as they were the elected of the people, they must share the destiny of their constituents, and labour in their cause." Several committees were constituted; but no "committee of good correspondence" was formed this time, for amicable conferences with the legislative councillors. "We should dishonour our people," said M. Bourdages, "were we to put ourselves in communication with a body which overtly accuses us of wishing to set up a French republic." M. Lafontaine, too, did not think, he said, that such a committee was at all necessary. M. Cuvillier, on the other hand, observed that the duty of the assembly was to keep up a correspondence (for public benefit) with the council; and that it would be puerile not to do so. The assembly proceeded to resume its inquiries into the affair of the Montreal election riots, and the firing on the towns-people by the soldiery.

The house received several messages from the governor. One, sent Jan. 13, related to the annual supplies; and another, refer-

ring to the unseating of M. Mondelet, whose seat the assembly had unduly declared to be vacant, on his nomination as a member of the executive council: this appointment, in fact, was in some sort an introduction of the system of responsibility. The minister expressed his approbation of the governor's conduct in the case, who did not sanction a new election; the assembly having, on the occasion, overpassed the limits of its privileges. Next day, the members received a ministerial reply to their address of the last session relative to the legislative council.

"This address has been drawn up," thus wrote Mr. Stanley, "in view of desiring that his Majesty would authorize a convention of the people of Lower Canada to be called, to set aside the legislative authorities, and to ascertain whether, in order to destroy [improve?] the constitution it were better to introduce the elective principle to the legislative council, or abolish that body entirely. His Majesty is unwilling to regard such a proposal in any other light than as a piece of thoughtless indiscretion; but he can never approve of such a measure, incompatible as it would be found with the continued existence of monarchic institutions: yet his Majesty, on the other hand, is well disposed to sanction every measure likely to maintain the independence and raise the character of the legislative council.

"I should not incline, at this time, to advise the king to propose to parliament a measure of such import as a revocation of the act of 1791..... but if coming events should constrain the British legislature to interpose its supreme authority to appease the internal dissensions of the colony, it would then, indeed, become my duty to submit for the consideration of parliament some modifications of the charters of the Canadas—not, however, for introducing institutions inconsistent with monarchy, but to preserve and cement their connexion with the mother country—adhering ever to the spirit of the British constitution; confining, too, within their legitimate bounds, the rights and privileges of all his Majesty's subjects."

It needs not be said, what effect this decision had upon the members. The governor's messages to the chamber were referred to special committees; the latter refusing to advance to the chamber the needful money to pay its expenses, under a pretext that

the rejection of his demand for supplies had already so much increased his pecuniary responsibilities. The assembly then demanded a copy of the royal instructions regarding the supply bill of 1832. It next repudiated a bill adopted by the council, for erecting a tribunal to judge public functionaries. The council, in turn, rejected a bill passed by the assembly, for safeguarding the dignity and independence of the two councils. Contrary to every principle of the British constitution, this project, which had been regarded with little attention, made the executive councillors independent of the control of either legislative chamber. It was introduced by Mr. A. Stuart, and seemed to be conceived in an ironical rather than a serious spirit.

Meanwhile, the day fixed for entering upon a consideration of the state of the province arrived. It was for this occasion that Mr. Papineau had prepared his statement of grievances already adverted to. As soon as the chamber met, he showed the paper to the members of his party. They met several times, at the house of M. Bedard, deputy for Montmorenci county, to discuss the changes judged to be necessary. M. Morin, another partisan, was charged to embody each grievance in a resolution. During the former session, M. Bedard and some of his friends manifested an inclination to separate from M. Papineau's party. In order to induce the former, or "Quebec party," to rejoin the latter, some of the resolutions were modified; and M. Bedard's self-love was flattered, on the occasion, by his being solicited to propose them in the house. The debates lasted several days. M. Papineau made a speech, in which he imprudently gave the rein to an outburst of republican enthusiasm:—"Long have we uttered our complaint," said he, "and we are all of one mind regarding our grievances; there is no doubt as to the parties who inflict them upon us; the only difficulty is, how to find a remedy. It is time now to set about obtaining it. There are persons among us whose minds, pre-occupied with the workings of European institutions, would have us to adopt their ideas in this matter. But it is not for us, imperfectly informed as we are of the nature of such institutions, to judge of their merits or demerits. Let us inquire rather into things that more nearly concern our own destiny, and strive to build up our liberties as solidly and durably as possible.

It is certain that, before long, the whole of America will be republicanised. If a change be necessary in our present constitution, is it to be undertaken in view of such a conjuncture as I have just mentioned? would it be a crime were I to demand that it should? The members of this house are all answerable to their constituents for whatever decision they may come to in this regard; and even though the soldiery should slaughter them for it, they ought not to hesitate, for one moment, to pronounce for any change which they consider beneficial to their country. It needs not that we inquire, what is our present, what was our past situation in America. Britain herself has founded mighty republics on this continent, wherein flourish liberty, public morals (*la morale*), commerce, and the arts. The French and Spanish American colonies, with political institutions much less free, have been unfortunate, and had to struggle against the inherent vices of their constitutions. But British rule in the colonies, what has been its nature? has it been more aristocratic than democratical? And, in Britain itself, is it purely aristocratic? It is therefore a great mistake, on the part of M. Stanley, to discourse to us of British monarchic sway in this present year, Eighteen hundred and thirty-four. In the days of the Stuarts, those who maintained that the monarchic principle was paramount in Britain, lost their heads on the scaffold. Ever since that age, Britain has had a government called *mixed*, and no other qualification can we rightly apply to it. Owing to this, its true quality, is it that Mr. Stanley has got into place and power; the entry to which would have been barred against him, if a vote of the house of commons had not constrained royalty to give up its own wishes. The king was told to yield, else he would be discrowned! And yet this man, despised as he is by the British people, now enlarges, for *our* edification, on the monarchic government of Britain! we the while well knowing, that the British people, so great for their commerce, for their institutions, for their progress in civilization and the arts, and yet more for the liberty which they have borne to the ends of the earth, are free at any moment to upset the monarchy thus spoken of whenever they list!"

Mr. Neilson proposed, as an amendment to the resolutions moved by M. Bedard, "that as the despatch of the colonial minister of date July 9, 1831, in reply to the address of the chamber

of March 16 previous, contained a formal promise that the colonial office would co-operate with the assembly in redressing the chief grievances complained of, it now became the duty of the chamber to labour, in conformity with the spirit of that despatch, for the improvement of the colonial government, within the limits of the existing constitution; and to endeavour to maintain the tranquillity of the country meanwhile. That, as the despatch from the colonial office, dated 14th January last, confirmed the promise already adverted to, the chamber ought to undertake the duty of ameliorating the condition of the province generally; and that, in especial, it ought to regulate the occupancy of waste lands, amend the laws affecting property, secure judicial independence, improve judicial procedure, increase official responsibility, bring into order the public accounts, and abolish every useless office."

The hon. mover of the above amendment, adverting to the resolutions he was put forward to oppose, said that "they controverted the rightful existence of the legislative council, a body legally organized by the constitution of 1791; they called in question the status of the king's representative, another branch of the constitutional government of the colony; they went the length of justifying a flat refusal at any time, or at all times, of furnishing the annual supplies absolutely needed for defraying the expense of governing the province: a proceeding (insultingly) detrimental to the British people, one of whose executive institutions the secretariat of the colonies was. Having said this much," continued Mr. Neilson, "I need scarcely add, that I cannot vote for these resolutions as they now stand. In Britain and the United States alike, I would observe, (the rather because the example of the latter has been just held up for our imitation,) that defenders of popular interests laboured to effect changes, not from a mere craving for reforms, but because their rulers were ever endeavouring to violate constitutions already existing. The line of demarcation is quite distinct, therefore, between our position and theirs in times past. It is this, that whereas the American revolutionists and the British liberals combated for the maintenance of franchises already acquired; we opposition ists are reaching out our hands (ever eagerly extended) for freedom we never yet possessed. The result, in our case, must necessarily be different. History is

always the safest guide for our direction: it is a monitor which tells us, that consequences are always conformable to principles."

Following, on the same side, M. Quesnel thus delivered himself: "I fear that any demand we may make on Britain, at the present crisis, for a change of our constitution, will not be admitted; and a refusal, on demand formally made, may lead to consequences disastrous for this country. In Britain itself, the vices of our colonial government have never yet been generally recognized; what hope have any of you that they will be acknowledged at the present time? For my part, I have none whatever. Besides, I know not whither the resolutions just proposed would lead us. Their first effect, however, among ourselves, will be to aggravate Canadian troubles; and, what is more, they may lead to a great re-action against our cause. Heaven knows, I wish not for either of these results: I only wish that my apprehensions, both ways, may prove to be groundless. And although I do not belong to the party in majority here, if the chamber can obtain, through adoption of the resolutions now under consideration, real and substantial benefits for our common country, I shall rejoice at the result, in conjunction with the larger number of my colleagues, who will thereby have practically demonstrated that they took a more correct view of what were best to be done, than I am inclined at present to take. It will be my turn then, to own my regret that I had not in me an energy equal to the circumstances of the case; that I was unfitted to brave the dangers I now think imminent. If, on the other hand, the chamber enter into a struggle in which, as I fully expect, it will be made to succumb, I shall then, along with you all, have to endure the consequent evils which will fall upon our country. My consolation in such an extremity will be, That a majority of the chamber erred, indeed, but with the best intentions—and never shall any of our enemies have to say that ever I imputed to our friends any other; much less shall I conjoin in any future attempts to tyrannise over us."

Mr. Neilson's amendment having been put to the vote, was rejected by a majority of 56 against 24; Messrs. Cuvillier, Quesnel, and a few other French-Canadians voting with the minority. Animated and prolonged debates succeeded: they eventuated in

the adoption of the whole of what have since been known as the NINETY-TWO RESOLUTIONS, by an overwhelming majority. The following abstract of some of them, will give some notion of their general tenor:

"The provincial administrations trample under foot the rights and sentiments dearest to the Canadians, who yet have hastened to welcome as brothers all those emigrants from the British isles who have come among them, without any distinction of origin, of race, or of religious belief..... The greatest defect in the constitution of Canada, is the right of nomination, by the crown, of the legislative councillors. The constitution, or form of government, best suited for this colony ought not to be sought for alone in the institutions of Britain itself, where society is of a very different nature from ours. It was not the possession of free institutions which precipitated the revolution of the Anglo-American colonies; for the province of New York, the most monarchic in its constitution of all (in Mr. Stanley's sense of that epithet), was the first to refuse submission to acts of parliament; whilst the provincials of Connecticut and Rhode Island, whose institutions had a purely democratic character, were the last to enter into the confederation of the United States..... Partiality in appointing persons to fill public office, has of late reached its climax; for, in a total population of 600,000 souls,—of which number 525,000 are of French descent,—there are but 47 functionaries of the latter race; and the places those men hold are of a subordinate character and the lowest salaried; while we find that there are installed in place under the government, 157 functionaries of British origin.... The assembly, and French-Canadians in general, ought to be strong enough not to be insulted with impunity by any one in any way; or, at least, not be expected to put up tamely with insults; and yet they have read, in the despatches of Mr. Stanley, insulting language used in regard to the people's representatives, such as would not be tolerated in any community even moderately free.... The tone of such documents is quite incompatible with the rights and privileges of the assembly..... Since the origin and language of the French-Canadians have become a pretext for vituperation, for exclusions, for their meriting the stigma of political inferiority, for deprivation of our rights, and ignoring popular interests—the chamber hereby en-

ters its protest against such unjust assumptions; and appeals against them to the justice of the king and parliament of Great Britain, likewise to the honourable feeling of the whole British people. The numerical though not dominant majority of the inhabitants of this colony are not themselves disposed to esteem lightly the consideration which they inherit from being allied in blood to a nation the equal at least of Britain in civilisation, and excelling her in knowledge of the arts and sciences—a nation, too, now the worthy rival of Britain for its free institutions."

After avowing its political confession of faith expounded as above, the chamber followed up the series of resolutions by a formal accusation against Lord Aylmer, and prayed that the members of the house of commons would impeach him in the house of lords for mal-administration; while sundry of the leaders of opposition in the British parliament—among them, Messrs. O'Connell and Hume—were personally called on to sustain the suit of the assembly against the ministry. In the province itself, the liberals were adjured to form committees everywhere, and open up a correspondence with the above distinguished British commoners and with M. Viger, resident Canadian agent in London; also for the purpose of communicating with the liberals in other British-American colonies, the cause of one being the cause of all. Finally M. Morin was despatched to London, charged to put into the hands of M. Viger the petitions poured in from all quarters, based on the resolutions passed by the assembly.

The legislative council, on the other hand, voted counter addresses denouncing the sentiments advocated in the assembly, and praying the home government and legislature to preserve intact the constitution of Canada. The British merchants in Quebec and Montreal, also signed petitions of like import; adding, that the assembly-men had always been hostile to the leading interests of the colony, and assuring his Majesty that the interposition of a legislative council, composed of crown nominees, was the best bulwark between representative institutions and the arbitrary tendencies natural to an executive; intimating, at the same time, that M. Viger's mission was totally disallowed by the whole British-derived people of the province. The subscribers, upon transmitting their counter-petitions, enclosed them in a complimentary address to

Lord Aylmer himself; who, in a detailed reply explanatory of his conduct, assured the petitioning parties that his hostility to the French-Canadians was as strong as theirs could be.

The assembly had just exerted its authority in a way which had given cause for chagrin to Lord Aylmer. The king's advocate, Mr. Hamel, had emitted an official opinion regarding the Stanstead election, which induced the assembly to call that functionary to its bar and reprimand him by the voice of the president for (as was pretended) his having interfered with the freedom of election.

After voting funds for educational purposes, for the behoof of sundry charitable institutions, for improving roadways, and affecting other ameliorations, the representatives set aside the call made upon them for the annual supplies, and began to wend their way homewards.* Aylmer, finding that the members remaining were no longer in number to make a house, prorogued the parliament; remarking, in his closing discourse, that as the two contending parties in the country had severally appealed to the imperial parliament, he hoped both would abide by its arbitration between them: adding an intimation of his opinion, meantime, that the style of language in which the 92 resolutions had been expressed, was unworthy of the assembly's usual urbanity, and manifested none of the well-reputed moderation of the French-Canadian race; that those who were ignorant of facts might be led to believe from their tenor that the country was in a fearful state of perturbation through excitement at the grievances it was alleged to be suffering under, whereas, outside of the assembly walls, public tranquillity was unbroken. This assertion, even had it been true, was imprudent in its expression. It provoked the assembly-men who voted the 92 resolutions to give its author a practical denial forthwith, by moving the masses to make a universal oppositionist demonstration, which, become organized, was not slow to take the form of a (partial) rebellion.

* That is, dispersed "without beat of drum;" or rather (still speaking proverbially), the assembly-men and their president "took French leave" of the governor.—*B.*

CHAPTER II

THE TROUBLES OF 1837

1835-1837.

Effect of the 92 Resolutions in Britain.—Part of the Eastern Townships colonists side with the Assembly.—Committee appointed by the house of commons on the affairs of Canada.—Debates in the British parliament on our affairs.—Ministerial changes.—District committees formed in Canada.—Petitioning revived.—Letter of Mr. Roebuck.—Renewed discussions in the house of commons.—New Canadian parliament called.—Constitutional associations.—Alliance of Lower and Upper Canadian liberals.—Canadian parliament assembles.—New address to Britain.—Another section of the majority of assembly secedes from Papineau's party.—Lord Aberdeen's despatches.—Sir Robert Peel's ministry.—Three commissioners sent to Canada.—Lord Gosford replaces Lord Aylmer.—House of lords' debates.—Opening of the Canadian parliament.—Discourse of Lord Gosford.—The assembly, persisting in its course, grants supplies for six months only, which are refused.—The parliament prorogued, and called together again.—Other British American colonies renounce their opposition to the home government, leaving the malcontent Canadians alone in the struggle.—Report of the British commissioners: the conduct of the ministry approved.—Meetings in Canada continued.—Language of the journalists.—Agitations in the rural districts.—Armed bands appear.—M. Papineau at Kamouraska.—Real sentiments of a majority of the people.—New session of the provincial parliament, to no satisfactory end.—Another address sent to the imperial parliament.—Several magistrates and militia officers discommissioned.—Secret associations in arms formed in Quebec and Montreal districts.—Demonstrations for the government.—Meeting of the Six Counties.—*Mandement* of the bishop of Montreal.—The government prepares for war.—Troubles at Montreal.—The troops beaten at St. Denis, but successful at St. Charles.—Martial law proclaimed.—Several members of assembly apply for a new parliament, but are refused.—Affair of St. Eustache.—The insurrection quelled.—Troubles in Upper Canada.—Resignation of Lord Gosford.—Debates in the house of commons.—The ministry undertakes to put down armed opposition by the public force.

The adoption of the Ninety-two Resolutions in assembly, and the abrupt prorogation of the chambers following thereupon, suf

ficiently proved that the times were critical. It was now for the home authorities to decide what course they would take in the existing posture of affairs. Although much uncertainty prevailed in the province itself as to that important point, there were rumours current among the public, and hints thrown out in the journals, which nourished the hopes of the liberal party, that the British ministry would give way at the eleventh hour. The newspapers published a despatch from Lord Goderich to the governor of Newfoundland, which served to justify the unfavourable opinion of the assembly regarding legislative councils. "It cannot be denied," wrote the minister, "that in practice the existence of these councils has been attended with serious disadvantages. They have too often caused dissension among the several branches of the legislature, have tended to lessen the responsibility of governors, and deprived the assemblies of their most useful members (by absorption), all this too without any compensatory benefit resulting. Colonial councils for legislation have not the status nor influence of the house of peers with us; for their members have not the like relative opulence, nor are they so independent of the government, still less have they such consideration as attaches to ancestral rank. Having regard to our experience of the working of the system in the American colonies, I should incline to fuse the material of two legislative chambers into one only, which would of course bring the deputies of the colonists and his Majesty's representatives into undivided presence." These concluding words adumbrated both the abolition of the legislative council and the introduction of some system of responsibility.

About this time a number of the inhabitants of the Eastern Townships assembled at Stanstead, and, presided by Mr. Moulton, passed resolutions in approbation of the assembly's acts. Nearly all counties, almost every parish, followed the example. The newspapers' columns were full of the details of popular demonstrations; all of which encouraged the majority in assembly to run its course. Delegates from the counties met in Montreal to organize a central permanent committee, charged to keep up the agitation and suggest the conduct to be followed "in certain circumstances." The British party now spread a report, that the ministry had resolved to unite the two Canadas. Agitation by this time was as fer-

vent in the Upper as it was in the Lower province, and the liberal party in the former seemed inclined to act with us.

But it was in London that our destinies had to be decided. Mr. Roebuck moved in the house of commons, April 15, 1834, that a committee of the members should be appointed for the purpose of seeking means to remedy the defects in the governments of the two Canadas. In the debate upon this motion, the hon. gentleman, with Messrs. O'Connell and Hume, took part with the French-Canadians. Mr. Stanley, colonial secretary, with Lord Howick and Mr. P. Stewart, defended the polity of ministers in our regard. Mr. Roebuck, while pleading the cause of Lower Canada, also sustained the aspirations of the Upper-Canadian malcontents, who had sent Mr. Mackenzie to London as their agent, but whose mission was disowned by a majority in the Upper-Canadian legislature. Mr. Stanley, therefore, alleged that Upper Canada was perfectly satisfied with its constitution; declaring also that the people of the lower province would be content with theirs too, well suited as it was to protect their language, habitudes, and laws, but for the discredit thrown upon the government by factious men who misled them. He declared that the legislative council ought to be maintained just as it stood; because, were it re-constituted by election of the members, executive influence would become extinct in the colonial legislature: while, with such an undesirable mutation, the rights of the British minority in the province would assuredly be sacrificed, for the surety of which the legislative council had been specially established. The assertion was admitted as true, that out of 204 state functionaries in office, only 47 were French-Canadians; but as there was now small doubt that the two Canadas would some day incorporate as one British dependency, although, the minister added, he was not prepared to realize the project; but such a measure appeared to him to be the only effectual means for giving stability to British principles in the colony, and taming the rebellious assembly-men sitting in Quebec. Mr. Stanley afterwards moved as an amendment to Mr. Roebuck's motion, that a special committee should be nominated to enquire into and report on the extent to which the recommendations of the Canadian committee in 1828 had been attended to. The motion, as thus amended, was carried.

O'Connell protested against the composition of the legislative council, because it gave a double vote to the government; and declared that one of the chief abuses prevailing in the colony was attributable entirely to the council, because it uniformly took part with aliens against the people of French race, the only rightful inhabitants of the country.

As soon as intelligence of the above proceedings reached Montreal, the central committee passed votes of thanks to the British parliamentary orators who had sustained the cause of the Canadians; it also expressed its approbation of the conduct of Messrs. Bidwell, Mackenzie, and other reformers of Upper Canada.

The new Canadian committee of the commons decided, against the wishes of Mr. Stanley, on extending its inquiries beyond those prescribed for the investigations of that of 1828. The members of it demanded and obtained copies of the correspondence between the colonial-office and the successive governors of Canada during recent years. Upon perusal of Lord Aylmer's despatches, there were found in them offensive epithets applied to the leaders of the country party (*parti canadien*) which Mr. Baring would fain have effaced from the record. Among the witnesses called and interrogated by the committee were, Sir James Kempt, Messrs. Viger, Morin,* Ellice, J. Stuart, and Gillespie; also captain McKennan. Sir James Kempt replied, when interrogated on the subject, that the only way for settling the financial dissensions would be for the Imperial parliament to fix the salaries of the public functionaries, and make provision for their payment; that as to the executive council, in his own case when governor he had dispensed with its services altogether. Mr. J. Stuart opined that the assembly ought to be recognized, and in such manner as to secure a majority of British members at all times; or else he would advise conjoining the two Canadas, and endowing the united province with an executive council,—one having power, not only to renew itself, but to renew the legislative council also.

It was while the Canadian question was pending in the house

* M. Morin had a conference, of an hour and a half's duration, with Mr. Stanley and Sir James Graham; when they together discussed the financial question, and that of an elective council.

of commons, that a portion of the ministry resigned,* owing to some differences among its members regarding the affairs of Ireland. Mr. Stanley, the retiring minister for the colonies, was succeeded by Mr. Spring Rice. This change, the news of which was at first exulted over in Canada,—wherein Mr. Stanley had lost that popularity which his speeches in 1822 gained for him,—had very little influence upon our destinies. The brief report presented by the committee on Canadian affairs was pointless; and its small suggestions, if attended to, would still have left matters pretty much as it found them. It was drawn up in an ambiguous style: straining not to offend any one, it of course pleased nobody; and was least palatable of all to those whom it recommended to the merciful consideration of the colonial-office. Not but that there had been some spirited discussion of our affairs in the committee-room, which ought to have eventuated otherwise. Even as it was, Mr. Roebuck obtained the excision from the document of some paragraphs inserted at the instance of Mr. Stanley, who, supported by Sir James Graham and Mr. Robinson, strove to obtain a formal approbation of his ministerial polity; but which was resisted by Mr. Roebuck, supported by Lord Howick and Mr. Labouchere. After four hours' debate, Stanley's attempt was frustrated by a negativing majority of two.

Meanwhile the district committees of Canada continued their sittings; transmitting to London the people's petitions, which bore collectively, at length, 60,000 signatures; while they corresponded at the same time with our agents, and passed resolution on resolution to excite the people to assume an imposing attitude. The Montreal committee received a letter from Mr. Roebuck, with the information that he had no hope for the cause so long as Mr. Stanley was in office, but that he had better hopes of Mr. Rice,

* The words in the author's text are, "une partie des ministres resignèrent sur la question des biens de l'Irlande." What *biens* are meant, we cannot imagine. There was indeed an Irish tithe bill in progress, which, after being passed by the commons, was rejected by the lords, May 11, 1834. But the moving cause which brought about the resignation of Earl Grey (July 8) was his failure in getting the Irish coercion bill renewed, which he thought was still needful to keep down perilous agitation. The succeeding (Althorpe) administration was formed July 17.—*B.*

who seemed to be more tractable. The latter had already given up the bill introduced by his predecessor regarding the civil list; and Mr. Roebuck suggested that a little time should be allowed to see if he would do more: adding, "It were better to fight for the privilege of self-government, than to yield up one's natural rights without a struggle; but all other means ought assuredly to be tried before having recourse to force of arms. The chamber may, if the members think fit, as in Kempt's time, pass a temporary supply bill—under protest, however, with an expression of its right of refusal; and making known at the same time, that, by its conceding so far, it wished to show its own moderation, and enabled the new colonial minister to show an inclination to redress grievances without further solicitation." Mr. Roebuck afterwards advised that the people should be stirred up (*reveillé*), and not depart one jot from the principles that had been laid down; finally, he intimated that no good government could be had in the colony till popular influence were extended by the abolition of the legislative council.

We shall see, in the sequel, whether those counsels were of the wisest.

On the 4th of August, there was some discussion of our affairs in the house of commons, on occasion of a motion made by Mr. Hume relative to the Ninety-two Resolutions. Mr. Rice at this time severely censured Mr. Hume for writing a letter, published in the newspapers, in which the Canadians were called on to resist the baneful domination of the British government. "It does not befit a man," said the minister, "sitting in security here among us (and so far removed from the scene of action) to promulgate counsels inciting others to do that which may call down so many ills on Britain and Canada as ever attend on civil war. If a recourse be had to arms ultimately, I hope that those who conspired to bring it on will be signalized for conspirators, if not denounced as rebels."

The Canadian parliament having attained its term, new elections took place, with returns of members more unfavourable, collectively, to the government than those in the former assembly. The polling was accompanied by disorders in several places. At Montreal, the troubles were so great, that the elections had to be suspended for a time. At Sorel, a French-Canadian was killed by

a gun-shot deliberately fired. The British party, along with some Canadians, Messrs. Neilson and Walker at their head, formed at Quebec, Three-Rivers, and Montreal, "Constitutional Associations," antagonistic to the country party (*partisans de la chambre*). These associators signed petitions to the King, couched in similar terms to those which the British formerly caused Lord Aylmer to transmit to London on their behalf. In the present case, the two loyalists above named were directed to lay them, in person, at his Majesty's feet. Many of the colonists of British race, however, shared the sentiments of the majority of French-Canadians; and, by their votes and influence, six or seven anti-government members were seated in the new assembly. The Eastern Townships, peopled by men of British blood, were friendly to reforms. At their invitation, M. Papineau repaired to Stanstead; where he was received with "all the honours," by the committees formed in that section of Lower Canada. A great number of persons waited upon him, the day he arrived; and *The Vindicator* newspaper reported that more than 500 were present, including several Americans from New Hampshire and Vermont, among them (one) General Fletcher. In the evening, he was invited to a dinner of 200 covers.

These local demonstrations, along with (fiery) speeches at public meetings everywhere, and the fervid lucubrations of journalists —all announced a redoubling of violence and passionateness. M. Papineau, in his address to the electors, counselled the people to purchase no article from Britain, adjuring them to clothe themselves in Canadian-manufactured stuffs, and drink home-made beverages only; as thereby they would at once encourage native industry, and dry up those sources of public revenue which the government made so bad a use of. As the banks of the colony, also, were in the hands of parties hostile to the assembly, he urged the inhabitants to demand payment for their notes in specie. There was even a project mooted for setting up a national (preferential) people's bank.

At Toronto, a political association was formed, which established relations with all the standing committees of Lower Canada, in order to give added weight to its own discourses and resolutions. The Canadian cause, indeed, now wanted all the native support it could

obtain; for intelligence had arrived from Britain, that the liberal ministry had resigned, and that the Tory party, headed by Sir Robert Peel, was in power, with the Earl of Aberdeen for colonial minister. Into the hands of the latter fell, therefore, the recently got up addresses from the British party, along with the new petition (from the assembly and from a minority of the legislative council) in support of the 92 Resolutions. But the cabinet could not transmit instructions to Lord Aylmer before the time of opening the Canadian parliament.

The first proceeding of the representative chamber after being opened, Feb. 21, 1835, was to enter a protest against the remarks made by the governor at the last prorogation; and to expunge the report of his speech, made on that occasion, from the journals of the house. This was a kind of proclamation of war at the outset. M. Morin moved afterwards, that the chamber should form itself into a committee of the whole, for taking into consideration the state of the province. M. Gugy, in opposing Morin's proposal, observed that he would prefer to have an administration composed of men born in the province to any other. "Now I have no such preference," replied M. Papineau: "the government I long for is one composed of friends of legality, liberty, and justice; a government which would protect indiscriminately every proper interest, and accord to all ranks, and to each race of the inhabitants, equal rights and privileges. I love, I esteem all good men, *as* men; not preferentially because they are of this or that descent; but I detest those haughty dominators who come among us, and dispute our right to enjoy our own laws, customs, and religion. If such be not content to intermix with us, let them remain in their own country. There is no lawful distinction between their status in the province and ours; the same rights, and a like just claim for protection, are common to us both. Assuredly I should prefer a government composed of men such as I have indicated; and as certain is it, too, that my own countrymen have given proofs of a capacity and the possession of such integrity as would enable them to become members of a most desirable government. Those parties even who claim exclusive governing privileges, disapprove of them in their hearts; and if obtained, will themselves be victimized by them in the end. For,

supposing that the exclusionists succeeded in making an Acadia of Canada, and could expel from it all its French-derived people, they would soon fall out with each other. Did they find means to constitute rotten-borough representation, it would quickly be turned against its creators. It is natural to the mind of man to abhor all exclusive privileges; but passion and party spirit pervert the judgment of too many.....The call is made upon us, 'Let us be all as brothers.' I respond, So let us not be, if you, who thus adjure us, keep a selfish grasp of all place, power, and emolument, and refuse to share these with us. That is unjust, and we cannot suffer such injustice. Briefly, we demand for ourselves such political institutions as are in accordance with those of the rest of the empire and of the age we live in."

If we may judge by the governor's opening speech this session, that functionary had nothing particular to communicate to the two chambers. In order to get through the public business early, the assembly sat twice a day. The debates were but repetitive of those that had gone before. Mr. Roebuck's services were further called for, as colonial agent; and another address was voted, after long discussion, which he was charged to present. It was upon occasion of voting this address, that the majority in assembly divided a second time. Several members wished to proceed with public business, and abstain carefully from giving Lord Aylmer the slightest pretext for interrupting its course. M. Bedard, who, for two years back, had gone on unwillingly with the majority, ventured (*osa*) to say, at length, that, as the address contained a peremptory refusal of all that the governor had asked for, he could not support it. "Know we not," forthwith replied M. Papineau, "that in Britain it is the same hand which pens the king's speech that traces the address in reply to it? The force of circumstances impels us to set aside accustomed formalities, and to express unrestrainedly what we deeply feel. It would be a libel on Britain to assume that she may possibly pass a coercion bill against us, and send ten regiments over to enforce it. If such were the case, however, we ought to be prepared all the sooner (*au plûtot*) to rid ourselves of so tyrannical a domination. If there is ground for apprehending such a struggle, we may say that the danger exists at this hour; and that we have already gone

much further (in bringing it on) than the stride taken by this address."

M. Bedard proposed divers modifying amendments, which were severally supported by a third of the members present. This secession from the majority increased from day to day; and was regarded at once, by the ultras of the country party, as a defection. M. Parent, proprietor (*rédacteur*) of *Le Canadien* newspaper, a man intimate with all the members of the minority, came to their succour in his paper, and sought to justify the course they adopted, by assigning as a reason for their giving dissentient votes, that they had a regard for the material interests of the district of Quebec; to which a suspension of legislative labours was very detrimental, especially at a time when trade was terribly dull. But the despatches of Lord Aberdeen, and the refusal of Lord Aylmer to advance money for paying the expense attendant on keeping the assembly open, till it had first sanctioned the payments already made out of funds extraordinary in default of former annual supplies asked for—these circumstances precipitated a prorogation of the parliament.

Lord Aberdeen, it appeared, refused to take steps to ensure the independence of the two councils and of the judges, so long as the inquest on abuses should not have reached a point at which there might be hope of a final arrangement. He also refused to sanction the educational law passed, because it appeared to recognise, legally, the existence of the Sulpicians and the Jesuits; and seemed to allow civil and exclusive privileges to catholics, detrimental to the protestant minority. "Vigilant as that minority was believed to be, with so much reason, to prevent the least encroachment on its religious freedom,its members might suspect that the retrogressive legislation in question gave undue advantages to the catholic majority. They might naturally object, also, to making French language and literature, and religious foundations of an alien faith, objects of special legislative regard: they observed, likewise, that ecclesiastical establishments already existing were made preferential to others which might be afterwards founded; the reason being that the former were under the direction of the catholic clergy, while the second, namely those of protestant origination, could flourish only in proportion with the increase of immigration, expansion

of British provincial means, and the success of British colonial undertakings."

All these ministerial reasons had the air of subterfuges. Lord Aberdeen had made up his mind to give greater advantages to protestants than to catholics, in any changes that might be made; but as a frank and formal annunciation of a principle as unjust as it was odious would hardly be endured, he invented an hypothesis to make believe that if one section of religionists were enfranchised, the other must needs become enslaved. The religious question being thus treated, people began to consider what was the real situation of the catholics in Canada. The newspapers published the instructions of Sir George Prevost,* in which pretensions were sustained such as we have adverted to above, regarding the assumed supremacy of the Anglican church in Canada. By one article it was directed, that in all settlements (*villages*) where the catholic population were the smaller in numbers, there should be a parson (*ministre protestant*), to teach Anglicanism and take tithes of the people; that no church services of the catholic inhabitants should be allowed in the (one) consecrated church of the place (*temple saint*) till the protestants had had theirs; that priests (*les prêtres*) should be permitted to marry, and that protestant missionaries should gradually replace catholic missionaries among the savage tribes. It was under the inspiration of these instructions, that Lord Aberdeen rejected the bill of assembly making provision for public education.

The minister also dissimulated his sectarian spirit in presence of the Imperial parliament, upon a discussion taking place therein upon the presentation of the conjoint petition of members of the two chambers (in December) praying for reforms. The day before, copies of a pamphlet, written by a philo-Canadian, were distributed among the members of the lower house; in which the vices of the colonial government, and the reforms demanded by the people, were expounded with great force. The author passed in review the abuses of the judicial system, and the executive, at the head of which (it was remarked) military chiefs, unsuited to rule a free people, were habitually placed. The writer signalised the mal-administration of the colonial lands' department, the number

* Official papers, printed in 1814, by order of the house of commons.

of public places held by persons of the same family connexion, the Caldwell deficit, and, above all, the want of proper control everywhere, despite the frequent interposition of the imperial parliament. The pamphleteer terminated his other suggestions by enforcing the necessity of recalling Lord Aylmer.

About the same time, there appeared in *Tait's Edinburgh Magazine*, an article, attributed to Mr. Chapman, on the political situation of Canada, written in a similar strain to that of the foregoing publication.

In the house of commons, Mr. Roebuck repeated his accustomed philippics (*remarques ordinaires*) on administrative abuses. Mr. Spring Rice said, that before the retirement of the late ministry, he had prepared a detailed despatch expounding the views of himself and his colleagues on Canadian affairs; but that recent changes had prevented its being sent to its address. He mentioned that the nomination of Mr. Gale to a judgeship had not been confirmed, because he had committed himself too far as a partisan; and that as Judge Kerr had lost his place, as admiralty judge, through his own malversations, he judged it befitting that he should be displaced from the king's bench also. Mr. Stanley, on his part, expressed his belief that the opposition party (of Papineau) had not succeeded in proving one of its complaints, as expressed in the ninety-two resolutions; and that, as a consequence, the ministry had gained a triumphant acquittal before the parliamentary committee. Sir Robert Peel (then premier) informed the house, he had charged Lord Aylmer to announce to the Canadians that he was about to send out a government commissioner, of neutral colonial politics (*étranger à la politique coloniale*), and thoroughly conversant with the intentions of the ministry; one who was charged to examine all the circumstances of the case on the spot, and report to the home authorities whatever it were needful they should know. This personage, however, was to notify, in advance, that no organic change in the constitution of Canada would be made (for the present); also, that if on inquiry it became manifest that complaints as to details in its working were unfounded, then measures would be taken to put down (*faire cesser*) the prevalent agitation. As for the insurrectionary menaces that had been thrown out, he would say to

(intending) rebels: "Our desire is to do justice; take heed lest your threats turn to your own (moral) disadvantage." The British government was then on a good footing with that of the United States; but even though the latter inclined to make an intervention on our behalf, they would certainly not have chosen Mr. Roebuck for their mouth-piece (*organe*) in the house of commons. Messrs. Stanley, Robinson, Hume, and Sheil spoke, in turn, during the discussion that followed.

The speech of the minister, despite its apparent moderation, and his confirmation of Mr. Gale's promotion to the bench (which had been disallowed by Mr. Spring Rice), sufficiently indicated the course of polity the new cabinet meant to pursue. The only modification of the sway of the metropolitan government over the provincial, was to invest acts of authority, rigorous in nature, with a diplomatic blandness in the manner of enforcing them, new to colonial rule; in view of soothing the public mind into an acquiescence, at a future time, in any re-constituting measures which the home authorities might adopt.

In the month of February, Lord Aberdeen wrote to Lord Aylmer, that he approved of all he had done (*sa conduite*); but that taking into consideration the perturbed state of the public mind in Canada, and conceiving there was small hope of words of peace and conciliation from his (Aylmer's) lips being favourably listened to, that a confidential person would soon be sent out, with the title of royal commissioner.

Aylmer had already sent a long despatch to the ministry, repelling the accusations made against him by the concocters of the Ninety-two Resolutions. He alleged, that of 142 persons he had appointed to places of emolument, no fewer than 80 were men of French descent; that, of 580 others (not salaried) 295 were persons of kindred origin; while, among 330 petty justices (*commissaires des petites causes*) whom he had put in commission, 151 were French-Canadians. He avowed, at the same time, that the proper parties ought to be preferred to the less fit, without distinction of race. He stated also, that all ecclasiastical charges in the catholic colonial establishment, such as the parish curacies (involving themselves a yearly income of £25,000), were in the hands of French-Canadians; and that the same rule extended

even to the rural school-masters, whose collective stipends reached a total of £18,000. But (he did not add that) partiality had so abounded before his time, and the abuse of patronage was so deeply rooted, that if it were true he had filled 80 places with French-Canadians, who formed 3-4ths of the whole population, he had given to men of British birth or descent, whose compatriots made up the remaining fourth part, 62 berths, while the official emoluments of the smaller exceeded in amount those of the greater number of the designated places. In proof of this discrepancy, we need but adduce the data to be found in the civil list for 1834 and in other such documents of the time: from which we learn, that in the sum total of £71,770 shared by the public functionaries then in office, French-Canadian officials received but £13,600; while men of British origin must therefore have drawn £58,170 of the amount. French-Canadians were excluded from all the departments of the executive [?] as well as from the board of public lands, the customs and the posts; while, of the expenditure incurred by the judicial administration, amounting to £36,000 annually, only £8,000 fell to the share of the French-Canadians.

During recent discussions of Canadian affairs in the imperial parliament, metropolitan journalism expounded its views of our affairs as diversely as did senatorial oratory. Thus the leading London journals, such as *The Times*, the *Morning Chronicle*, and the *Morning Herald*, were hostile to the French-Canadians; while the writers for the *Morning Advertiser* and *The Globe* (evening paper), took up our defence: but it was easy to see, that among a majority, not only of the commons, but of the British people themselves, there existed small sympathy for the wrongs of our race.

A rumour obtained currency, at first, that Viscount Canterbury (better known as Sir Charles Manners Sutton, ex-speaker of the house of commons) was to be royal commissioner for the affairs of Canada; but it appeared that he had declined to undertake the onerous task proposed to him, under pretext of illness in his family circle. His reputation was favourable at the time; and the nomination of such a man gave rise to flattering hopes. Lord Amherst, chief of the latest embassy to China, was next thought of, as an eligible party; and Aberdeen even intimated to

Aylmer, that his appointment had been made out. But another party change of the ministry taking place suddenly,* the Earl of Gosford was nominated by the succeeding cabinet. The latter was an Irish nobleman, who had gained some repute in his own country through being (albeit a protestant) an opponent of the Orange party. His firmness of character, and his liberal opinions were much vaunted by his friends; but there were joined with him in the commission, two persons whose character was almost unknown: Sir Charles Grey, a tory of the old school, and Sir James Gipps.

One of the agents of the British party, Mr. Walker, had the hardihood (*osa*) to essay gaining over O'Connell to their side. "How then!" exclaimed the great orator; "you wish alone to be represented because you form a minority? That would be gross injustice, could you effect it." On the 12th of June, Canadian affairs came under review in the house of lords. One peer declared he knew not wherefore Britain might not accord liberal concessions to her North-American colonists; he said that the members of their assemblies ought not to be treated as if they were so many froward children, all unfit to take care of themselves when not in executive leading-strings; and that it was expedient they should be allowed all freedom not incompatible with metropolitan sovereignty. As for the commission then in progress: he thought it would prove futile, or something worse even than that; a see-all but do-nothing commissioner was an absurd sort of personage at the best, for replacing an acting governor. A special commissioner ought to have powers to act, and decide promptly too, in such a critical time as the present.

Lord Glenelg † replied, that he and his colleagues found themselves constrained to modify their predecessors' policy, and had been induced to nominate commissioners to enter upon an inquiry in the colony itself.

* The author alludes to the formation of the Melbourne ministry, which took place April 18, 1835.—*B.*

† Previously, the Right Hon. Charles Grant, M.P. for Inverness; but created Baron Glenelg a few days before, his presence being wanted in the house of peers. He was secretary of state for the colonies, in the newly formed Melbourne cabinet.—*B.*

The new instructions sent out by the British ministry brought the political majority and minority in presence of each other. Those instructions declared in advance, that there would be no change in the organization of the legislative council, and directed the government commissioners to refuse formally to sanction the assembly's reference of that question to conventions of the people. With regard to the annual supplies, the crown revenue was not to be given up, unless sufficient provision were made by the provincial legislature for a proper civil list. The administration of the crown lands was to remain with the executive council. The judges put under accusation to be tried before the legislative council, from the award of which an appeal lay to his Majesty in council. The commissioners to report on the Canadian land-tenures, also regarding the property of the Sulpicians, likewise on the sharing of the customs revenue between the upper and lower provinces. They had power to examine witnesses on oath, and to call for whatever papers they thought fit, to aid their inquiries. As their mission, however, (it was intimated) was of a conciliatory character, the commissioners were to avoid all appearance of exercising arbitrary or unusual means to get at the truth. Complaints, from whatever quarter arising, were to be received with attention and kindness; they were to put themselves in familiar relation with all classes of applicants, to hear what they had to say considerately, and to express their own opinions in reply with gentleness and prudence; to note the acts and discourses passing and spoken at public meetings, to study social relations, examine opinions expressed in local periodicals, make inquests in different parts of the country: in short, to observe everything and listen to all men's sentiments—but carefully conceal their own for the time.

The commissioners arrived at Quebec late in August. The city council, which did not wait upon Lord Aylmer to present its respects on New-year's day, 1834, and which, in turn, Aylmer refused to receive on the return of the day in 1835; the municipality of Quebec, we say, presented a congratulatory address to the government commissioners on their safe arrival. Lord Gosford held a reception for several days, and manifested much graciousness for all those persons presented to him. But each party of the colonists stood on its guard. The liberal members of assembly

and council met early in September, at Three-Rivers, to decide what course to pursue in dealing with the commission; the liberals of Quebec district did not choose to attend on the occasion. The dissidences between the latter and the former augmented daily. Gosford tried every means to gain the good-will of the French-Canadians. He invited Messrs. Papineau and Viger to his house; he visited the classes in the Seminary (priests' college), and enchanted every one by his politeness. He gave a grand ball on St. Catherine's day, a patronal festival in Canada; and his marked attentions to Madame Bedard on the occasion testified to his ability for playing one part of the task imposed on him. He caused a new roll of justiceships of the peace to be made out, putting a great number of Canadians on the amended list, dated September 1, 1836. Finally, the charge held by Judge Kerr (now displaced) seemed to be kept for M. Bedard, the mover of the 92 resolutions as we have seen. These soothing circumstances, and encouraging rumours attendant, raised public hopes; which were at the highest when the chambers opened, on the 27th of October. The Quebec constitutional association, the day before, presented an address to the governor, praying he would not advance any moneys without consent of the three branches of the legislature. This was tantamount to asking him to pay nothing at the order alone of the representatives. The governor replied, that as he meant to announce to the legislature the course about to be followed by the executive, within the next 24 hours, he did not see that he need pledge himself to particulars in the mean time.

Gosford made a long address to the chambers. After speaking on a variety of subjects, he finished by the announcement, that upon all great questions coming under the consideration of the commission, its report would be reserved for communication, in the first instance, to the ministry; but that, in the mean time, the French-Canadians might assure themselves their social institutions would remain intact. This general intimation adumbrated a farther postponement (of redress of grievances); but as the Earl dwelt much on small reforms intended, and as his discourse, which had been carefully prepared, breathed moderation and justice, many still continued to hope. Appealing to all the colonists conjointly, he said: "To the Canadians, both of French and

British origin, I would say, consider the blessings you might enjoy but for your dissensions. Offsprings as you are of the two foremost nations of the earth, you hold a vast and beautiful country, having a fertile soil, with a healthful climate; while the noblest river in the world makes seaports of your most remote havens."

The terms proposed for the address in reply to the discourse from the throne, became a subject of debate; Mr. Clapham moving an amendment, but which was not adopted, that the assembly should recognise the validity of the commission. The reply of the chamber, at length, took the form of a mere echo to the chief commissioner's discourse, so far as the latter was not in positive disaccord with the 92 resolutions. Lord Gosford, faithful to the system traced out for him, of seeking in all outward ways to conciliate the Canadians, replied to the assembly-men *first* in French and next in English. The *Montreal Gazette* censured this bit of studied courtesy, and even denied the right of any British governor to use, publicly, the language of the vanquished at all; remarking, that the innovation begun by the earl would lead to the mother country's degradation; and that the use of the language of French Canada ought to have been proscribed at once by its dominators.

The Montreal constitutional association now came forward, and demanded to have the sentiments of its members heard by the commission; and was informed that the nature of the constitution it professed to defend would not be changed, while all commercial interests would receive special protection. The association next resolved to organise district committees in each quarter of that city, in case union and force became needful. It raised a body of volunteer riflemen, with cries of "God save the King." The members wished their armed organization to be sanctioned by the governor, who refused the request when made; and, afterwards, the corps was dissolved at his request. The Orange party, also, began to raise its head among the protestant population. As early as 1827, Sir Harcourt Lees, its chief in Ireland, had recommended the formation of Orange lodges in the two Canadas. Gore district, in the upper province, however, offered its support to Lord Gosford, in discountenancing such extreme partisanship (*tentatives seditieuses*).*

* There is nothing innately "seditious" in Orangeism. Au contraire."....—*B.*

In Lower Canada, Orangeism was held as of no account, except so far as it had influence with the home government.

Meanwhile, the assembly was transacting legislative business. An inquiry was proceeded with, respecting the conduct of two more incriminated judges, viz. Messrs. Thompson and Fletcher, of Gaspé and St. Francis districts, respectively, against whom accusations had been brought during three or four years bypast. A third judge, Bowen of Quebec, was accused, before the chamber, by a law-student, named Hart. The committee charged with the affair made a report unfavourable to the judge; but it came too late to allow of the chamber soliciting his dismissal by the chief of the government. Two members of the legislative council—namely, Mr. Felton, commissioner of crown-lands; and M. Gugy, sheriff of Montreal—were accused (and convicted?) of malversation; both being deprived of their places. The assembly voted other accusatory addresses against some more functionaries, such as Mr. Whitcher, sheriff of St. Francis district; M. Mondelet, coroner of Montreal; Mr. Chisholm, clerk (*greffier*) of the peace at Three Rivers; Mr. Holland, jailor, Montreal; and Dr. Arnoldi, physician of the jail of that city. Some of the accused parties were displaced.

The assembly protested anew against the anexation of Gaspé county to the province of New Brunswick. It expressed its sense of the impropriety of conjoining a plurality of public charges—with duties, separately often incompatible, to perform—in one person;* and the members, above all, denounced the habit of paying the public functionaries their allowances without the assembly's sanction. Dr. Callaghan presented a report on the deliberations in the Imperial parliament regarding the 92 resolutions; in which he exposed the inconsistencies and errors of the colonial-office, ever since the year 1828. Some days thereafter the chamber received, from Upper Canada, a copy of parts of the instructions from Lord Glenelg to the commissioners, which Sir Francis Bond Head had

* Thus the governor's aide-de-camp was also chief inspector of roads. Another individual was an executive councillor, member of the appeal court, commissioner for managing the Jesuits' estates, a master of the Trinity board, &c.

been indiscreet enough to communicate to the representatives of that province. "As was foreseen by Mr. McKenzie," thus ran an article in the *Canadien* journal, "the publication of the instructions has occasioned great regret and disappointed public expectations generally. Very certainly, their tenor betrays dispositions and interests little suited to inspire confidence in ministerial liberality, or reliance on the soundness of official polity in respect to our interests. Lord Glenelg evidently plays a double part; that of a reformer in London, of a conservative in Quebec." The journalist thus continued:—

"Those instructions contain also, as did the opening speech from the (colonial) throne, an untoward enunciation which we have not dwelt upon as yet; namely, mortifying misestimation of the oligarchic faction and the general population; for, in speaking of each, the same weight and worth are assigned to the opinions and aspirations of both, with an equal claim to the consideration of the Imperial government. This misappreciation arises, questionless, from the aristocratic training and usages in repute with denizens of the Old World: it is there believed that the oligarchy in the ascendant here fills the same place, with us, as the British nobles and gentry in the three kingdoms. This mistake, and the prejudices attending it, if they be not corrected, and if more sound appreciations of colonial circumstances, and a better knowledge of colonial society do not take their place,—thence the loss of one of the brightest jewels in the British crown may result, at no distant date. It is only with (democratic) ideas, and principles of equality put in operation, that Americans can now be governed. If British statesmen be not content to learn (their duty) through respectful representations, they will be taught it, ere long, in a rougher way; for things move on rapidly in this New World of ours."

Such was the language of local journalism, inclining as it did at that time to quit Papineau's and adhere to the Quebec party; with a tendency superseded in favour of Gosford's propositions. And if so plainly moderates spoke, in what unmeasured terms would not the ultras deliver their sentiments in opposition to the executive! The members of the latter colour in the assembly moved for and obtained a call of the house, as soon as the nature of the instruc-

tions to the commissioners reached their knowledge. The Quebec party, on the other hand, proposed that they should be ignored, (as not having been communicated to the assembly in an authenticated shape); but this proposal was rejected, for, it was said, the despatches were there, and spoke for themselves. Far from declining a combat, because the contents of the ministerial accustomed preliminary forms before beginning it had not been all exactly observed, it was right that the renovated party opposition body should openly, and at once, proclaim the principles its members meant to stand by. If the reforms which the Canadians demanded were not accorded at their reiterated request, would it be expedient to exact them by force, (namely, by raising the standard of insurrection; or, ought any further attempt be made, to obtain them by negociation?) They* should then have measured their forces with those and have calculated the chances of success. For, with respect to the (abstract) justice of their cause, they had a hundred times more right to upset the government than had the Britons in 1688, or the Anglo-Americans in 1775 [to initiate a revolution]; because it was against [would be in favour of] their nationality—that possession the most sacred that a people can have—against which the colonial-office ever directed all its blows.

But unhappily the leader of the "Quebec party," as we shall henceforth designate the new opposition body, was about to receive a judgeship at the hands of Lord Gosford; a circumstance which seemed to be the entering wedge of a system of future patronage for French-Canadian aspirants to official place and emolument. What would have been accepted, in another season, as a welcome favour, was regarded, during the prevailing agitation of the public mind, as a bait to allure political prey, or as means to pervert the principles of recipients and expectants.

In the debatings of assembly, this parliamentary session, a majority of the members were confirmed (*entraînés*) in their opposition by the eloquence of M. Papineau. The nomination of M. (now

* In the author's text, the above sentence thus begins: "Ils auraient alors comparé leurs forces," &c. To whom or to which or what the pronoun *ils* refers, we can only guess at; so loosely has he constructed, not only the sentence in question, but hundreds more, in other parts of his volumes.—*B.*

Judge) Bedard, officially announced, far from appeasing the reigning excitement, increased it; and it was certainly not allayed, soon afterwards, by the announcement that the governor refused to displace Judge Gale, at the request of the assembly in a formal address (1836). The legislative council, too, more hostile to the latter than ever, rejected nearly every bill sent up for its sanction; which tended to confirm the ultra opposition in an opinion it had already taken up, that the governor was acting a deceptious part, and using the council as his instrument. Of 106 bills passed before the session closed, 61 (these being the most important of all) were stifled or mutilated. Taking this result into account, those who best knew the dependence of the upper chamber on executive will, were convinced that the government was acting with duplicity, and seeking, by secret and crooked ways, to pit each chamber (continuously) against the other. The last struggle they had, was about the yearly supplies, the debate in assembly regarding which lasted two days, most of the members taking part in it; M. Morin proposing to grant them for six months only. M. Vanfelson moved in amendment, that they should be granted for a year, along with payment of arrears. Messrs. Papineau, La-Fontaine, Taschereau, Drolet, Rodier, and Berthelot spoke against the amendment; Messrs. Power, Caron, and de Bleury supported it.

It was for M. Papineau to maintain the position which the popular party had taken in passing the 92 Resolutions, of which he was the author, although they but embodied an expression of the claims advanced, and the doctrines maintained, by the opposition party in Lower Canada for many years past. The destiny of the country, at that time, seemed to be entwined with his personal fortunes. A fervid and persevering orator, he had pursued a decided course, without any shadow of turning. He was endowed, by nature, with a robust constitution, an imposing bodily presence and strong voice, a distinct utterance, and an inspiriting although not chastened eloquence; but being of a masculine and fervid character, it was perhaps all the better suited to affect the minds of the masses. At the time we have reached, wherein he uttered the following sentences, his popularity was at the highest: —"We have yet to learn if there be any new circumstances in

the political situation of the country, which can justify the conduct of those who now seem as if they would desert the cause of their country; or why they should now incline to separate themselves from that great majority of their compatriots who adopted in spirit, and sanctioned in act, the votes deposited by their representatives in the electoral urn, for sustaining the ninety-two resolutions passed by this chamber. In treating the great question which we are pledged to vindicate, it is not Lord Gosford whom we have to regard, but the assertion and maintenance of (right) principles. We are not struggling against any individual personally, but a system of (vicious) colonial government; which, as now expounded by Lord Glenelg, contains in itself the essence of corruption, the germ of manifold disorders. Our task is not light, indeed, for we are called on to defend the rights of all British colonial dependencies, as well as that we inhabit. The same evil genius whose workings drove provincials of the neighbouring states, in their own despite, into the paths of a righteous and glorious resistance, presides over our affairs also. That malign spirit it was, which inspired the Instructions given to the Commission now in our midst; which puts us into a false position relatively to the British legislature and nation, which has annulled the title which the government ought to have to the confidence of the representatives of the Canadian people. Briefly, then, these commissioners' instructions comprise a formal refusal, on the part of those who drew them up, to listen heedfully to any representation of the many grievances which both Canadas have to complain of....

"Would it be possible to conceive a more idle imagination than the device of sending among us three commissioners on such an errand as the present—no one of the three being known to or in accord with the rest, and all having their secret correspondence with other parties! Why what wisdom is therein, what good can result from, a scheme so planned, and carried out in such a way as this? Its nullity, if only from its unworkableness alone, was manifest to the public eye, within a few hours, I may say, of the arrival of those appointed to carry it out. Ourselves and our affairs were and are viewed from at least three distinct stand-points, by men who have not one political sentiment, one social estimation, one religious apprehension, in common. Yet is that heteroclite

combination of personalities, made out by some to be a kind of excellent thing in itself, as proving the impartiality of those who conjoined unlike with unlike; while others, again, fondly expected that accord would result from disaccordances. Was it not rather more likely that those who never yet could agree about what were needful to be done at home, would be at least as dissident in opinion as to what should be attempted abroad? Or need we wonder at the very result which has taken place, that as the commissioners, individually, have thrown themselves into societies, among communities, and amid associations of the most antagonistic character, each committing himself by sanctioning with his presence, if not formally approving the expression of principles of the most contrarious character to those which the ministry professes to uphold: is there any thing surprising, I say, to find one set of our colonial journalists abusing one envoy for being a friend to radicals, while another opposes him for the same? a second set heaping praises on another for being a moderate liberal, while he receives abuses for being a rank tory in disguise! All this is surely most inconsistent, nay pitiable. We were promised, that the course of this strange combination would be marked by a spirit of unity, and the highest regard for just principles of polity. After the experience we have had of it already, can we put our trust in it any longer, supposing we ever had such? Some do indeed incline (but I do not) to slumber confidingly on the brink of a precipice, and pass the coming hours in pleasing but delusive dreams of a happy future; heedless of the yawning gulf below, into which an unlucky jerk, at any moment, may precipitate the over-confiding sleeper."*

The amendment of Mr. Vanfelson was rejected by a majority of 40 negative votes against 27. Eight British members in assembly, some from the Eastern Townships, voted with the former;

* We hope the author and our readers will excuse the freedom taken with the original by the translator; but the language of passion, especially when imperfectly reported, as M. Papineau's discourse seems to be, cannot be translated literally so as to be readable. The same observation is applicable to many other passages *honestly*, though not literally, Englished in these volumes.—*B.*

a proof in itself, of the justice of the assembly's pretensions.* The legislative council, at sight, rejected the six months' civil list; which act led, almost directly, to the prorogation of the parliament. Lord Gosford, who was much hurt at the smallness of the success attending his mission (of conciliation), observed that he did not care to predict all the (evil) consequences which might result from the conduct of the opposition in assembly.

This abrupt closing of the session effervesced in the public mind to a high degree. Just before its termination, an approbatory address, subscribed by 700 Quebec electors, was presented to M. Papineau. Thus countenanced in his career, he was encouraged to pursue it, though it led him nearer and nearer to an abyss.† For some time past also, the liberal party in each of the two Canadas had intercommunicated more frequently than before. A majority of members of the assembly of Upper Canada for a moment sided with Mr. William Lyon Mackenzie's party, as well as the executive council of Sir Francis Bond Head.‡ In London, Mr. Roebuck laboured with untiring activity. Speechifying in the commons' house, writing in journals, periodicals (*London Review, &c.*) and pamphlets, he lost no occasion for pleading our cause with an ardour which merited acknowledgment (*attention*) from the Canadians.

Meanwhile the ministry, noting the (evil) effect of the garbled publication of the commissioners' instructions, charged Lord Gosford, while acting in concert with Sir F. B. Head, to assemble the Lower-Canadian parliament again, for the purpose of presenting the entire document to its consideration. The assembly, after perusing it, liked it no better in the whole than it did the parts previously published; and took occasion to express its great sorrow that the legislative council was still maintained in its existing shape, and that no administrative reform had been initiated. After this unsatisfactory reply, the house adjourned *sine die*.

Towards the close of the year 1836, M. Morin took up his resi-

* A large assumption that: "Some men are good," says Sterne, "at rearing huge edifices on narrow foundations."—*B.*

† A real and not figurative gulf such as that so imaginatively opened up in his discourse, reported as above.

‡...."ainsi que le conseil executif," &c. *Sed qu?*—B.

dence in Quebec, under pretext [*sic*] of practising there as an advocate. Forthwith M. Papineau's partisans thought they saw in this move some (unacknowleged political) design of his most devoted disciple. Upon this assumption, they gathered around the newcomer, and formed an organization in connexion with the liberals of Montreal and of other localities; in order to make head against (*pour réfuter*) the Constitutional Association; which, in name of the whole British party, was petitioning the king to maintain intact the legislative council, if only to keep a curb on the assembly; his Majesty was also solicited to divide the counties in such a way as to lessen the number of French-Canadian representatives. The recal of Lord Gosford, also, was demanded; and a union of the two provinces was recommended by the associators; who, at the very time, were trying to get the Upper-Canadians to declare hostilities against the Lower-Canada oppositionists themselves.

At this time, the situation of the French-Canadians was very discouraging. After having flattered themselves with momentary hopes of obtaining numerous new allies (in the upper province), they were doomed to lose those they had previously obtained. Sir F. B. Head had come out triumphant from the struggle at Toronto. He had dissolved the chamber which last met, and had secured a majority in one elected since. Sure that it would be submissive to his will, he expunged from the journals kept in the preceding session the recorded 92 resolutions, a copy of which had been sent by M. Papineau to the president. At the same time, Sir F. B. Head communicated to his assembly the despatches from London, approving of his own conduct. The policy of the colonial-office then was, to dissever the dangerous alliance establishing between the people of the two Canadas, to threaten the French population of the lower province, where the danger to British interests was the greatest, and to promote division between all the North-American provinces. That policy, therefore, had perfect success: New Brunswick fell into the views of the home government; and the Nova-Scotians, who at first stood up firmly for colonial rights, were induced to rescind the resolutions they had passed against the executive: insomuch that the commissioners, whose labours were nearly closed, became encouraged to recom-

mend the adoption by their employers of the most rigorous treatment of the only representative body determinedly opposed to their will. Commissioner Grey embarked at New York for England late in November 1836; and the other subordinate of Gosford, Sir George Gipps, with his secretary Mr. Elliot, left in February following.

The report of the commission was laid before the Imperial parliament early in its next session. It recommended expenditure of the public income without the concurrence of the assembly; and if the latter refused to submit, that the members should be coerced. It justified the legislative council for refusing to sanction supplies for six months only; and suggested that means should be sought for to ensure a majority of the British party being returned through a recomposition of the electoral franchise. It advised that the allowance of a fixed civil list of £19,000 a year, either for each sovereign's life, or for a term of seven years at the least, should be insisted on; that no elective legislative council ought to be tolerated; that ministerial responsibility was inadmissable; that the North American Land Company ought to be maintained: finally, the commissioners considered a union of the two Canadas unadvisable. Lord Gosford himself did not approve of all the foregoing suggestions; he thought it would be well to liberalise the two councils, and to find place in both for a fair proportion of members holding the opinions of a majority of the assembly-men.

Lord John Russell moved, in the house of commons, a series of resolutions of the most hostile character, which led to discussions lasting for three days; namely, the 6th, 8th, and 9th of March 1837. Lord John Russell himself, Mr. Stanley, Mr. Robinson, Sir George Grey, Mr. Gladstone, and Lord Howick were the chief ministerial speakers—as well as Mr. Labouchere, who on this occasion took part against our assembly. Messrs. Leader, O'Connell, Roebuck, Sir Wm. Molesworth, Colonel Thompson, and Mr. Hume stood up in our defence. Several divisions took place, after a debate on almost all the resolutions; but the minority was numerically small in every case. Thus, on a motion in amendment by Mr. Leader, that the legislative council should be made elective, the *ayes* were but 56, while the *noes* were 318; and, again, the general minority against the ministerial resolutions

(slightly modified) fell to 16, when the whole were voted collectively.*

The minister failed not to turn to account the defection of the other colonies. "No other North-American dependency of Great Britain," said he, "advances such pretensions as does Lower Canada; and everything, therefore, forebodes a satisfactory arrangement between the other colonies and ourselves. An elective council for legislation, and a responsible executive council combined with a representative assembly, would be quite incom-

* As a plain statement of the "hostile" proceedings of the imperial parliament on this occasion, given by perhaps the most "liberal" of all British historians, may be acceptable to impartial readers, we subjoin the following summary of the whole transaction, as we find it in WADE'S *British Chronology*, p. 1020 :—

"AFFAIRS OF CANADA.—March 6, Lord John Russell submitted to parliament a series of resolutions respecting Lower Canada, rendered necessary by the discontented and agitated state of the province, and the refusal of the colonial legislature to vote the supplies of money requisite to the administration of justice and the carrying on of the government. The resolutions stated in substance, that no supplies had been voted since October 31, 1832; that the supplies up to the current year amounted to £142,160; that the house of assembly demanded an elective legislative council, and the repeal of an act passed by the imperial parliament in favour of the North-American Land Company; that in the present state of the province the granting of these demands is inexpedient; that it is advisable to repeal certain acts affecting trade and tenures, provided the colonial legislature would pass a law for the discharge of lands therein from feudal dues and services; that, for defraying the arrears due and the customary charges of the government, the governor be empowered to apply to these objects the hereditary, territorial, and casual revenues of the crown; that the crown revenues be placed under the control of the colonial legislature, after supplies have been voted for defraying the charges of government; lastly, that the colonial legislatures of both the Canadas be empowered to remove the obstacles which impede the trade and commercial intercourse of the two provinces. Mr. Roebuck, and some other members, opposed the resolutions as an infringement of the Canadian constitution, and a coercing of the people. But, the violent proceedings of the colonial parliament calling for strong measures, they met with the general support of political parties. The debate was adjourned, and each resolution separately; and the entire series agreed to April 24."

patible with the rightful inter-relationship of any colony and the mother-country."

It was evident thenceforth, that any British ministry might undertake to work its will on (*contre*) Lower Canada, and that the imperial legislature was ready to sanction the same when done. The government had made the matter a question of races; and set itself up as the patron and protector of that British minority which, as O'Connell said, had been "the scourge (*fléau*) of Ireland." After all, it was but following out a principle well known in the colonies; namely, making a minority paramount to a majority. The debates in the house of lords were as fruitless of results in our favour as those in the commons, when Lord Brougham presented for the consideration of his fellow-peers the petition of the assembly.

Nevertheless, the chiefs of the colonial-office knew full well that they were violating one of the most sacred of constitutional principles, by proposing to order the payment of their Canadian functionaries' salaries without the sanction of our legislature; and they consequently were somewhat inquieted lest mischief might come of this matter. Accordingly Glenelg wrote to Gosford, in March, that although he hoped that no commotion would ensue, leading to an armed resistance, yet, as a measure of precaution, two regiments should be sent out to him as soon as possible. But, on second thoughts, and fearing such a demonstration might precipitate the crisis anticipated, Glenelg directed Gosford to draught from Nova Scotia whatever troops he might stand in need of.* The commission-roll of justiceships of the peace made up last year was annulled, and a new one made out, in which only the names of men in whom the executive could trust were entered.

In presence of the resolutions passed by the imperial parliament, the local journals in the assembly's interest advised their friends to be firm and persevering. The writers expressed their conviction, that the oppression and tyranny of Britain could not long endure in America; that the United States government would be obliged to intervene; that, in fact, the people's des-

* Despatches from Lord Glenelg to the Earl of Gosford, dated 6th and 16th March, 1837.

tiny (*avenir*) was in its own power; that it was needful for all to stand by each other, and to keep up agitation; that all trading connexion with Britain ought to cease; that we ought ourselves to manufacture articles for our own use, and not import them any longer, none buying anything charged with customs dues: in a word, to let the colonial exchequer run itself dry, and thus constrain the government to succumb to the people's representatives. The latter idea being taken up, public meetings were holden in Montreal district, for recommending its realization throughout the province.

At the meeting of Richelieu county, a general convention was demanded. The Irish in Quebec, May 15, by way of favouring the Canadian cause, passed resolutions approving of what O'Connell and his compatriots had said lately; namely, that the British party here wished to treat Canada now as Ireland had been treated before. A newspaper, called the "Friend of the People" (*le Populaire*) was started in Montreal, to calm public perturbation; while another, *The Liberal*, came into existence in Quebec, with the aim of exciting the oppositionists to adopt extreme measures. A singular exchange of characters now seemed to take place between certain individuals: certain tories suddenly became violent radicals, as if the prospect of coming troubles had raised their ambition to profit by them; while some once hot partisans of the assembly, seeing no likelihood of its cause prospering, drew up with the moderates of the opposition party.

Agitation was now assuming a serious aspect in many of the counties; so much so, indeed, that the governor became uneasy, and published a proclamation in the month of June, putting the people on their guard against the seductive tendency of certain writings and discourses addressed to them by agitators. Copies of this document he caused to be read at the district militia meetings. Not intimidated by such warnings, Messrs. Papineau, Morin, Lafontaine, and Girouard made a public progress (*descente*) as far as Kamouraska, the former speechifying at l'Islet and St. Thomas, where Dr. Taché, then a red-hot (*exalté*) partisan, had influenced some minds (*avait monté quelque têtes*) among the cultivators. At Missisquoi, Assomption, La Chenaie, Deschambault, Acadie, public protestations were made against the measures of the home

government; and the *Daily Express* newspaper of New York published some Canadian correspondence in which it was proposed to obtain redress by armed force, the example of the successful revolution in the United States being held up to imitation imprudently by an ostentatious reproduction of its historical details. Some time thereafter, the governor was burnt in effigy, and bands of armed men prowled about (*roderont*) the county of Lake of Two Mountains.

"Every one in the colony is malcontent," exclaimed M. de Lafontaine: "we have demanded reforms and not obtained them. It is time to be up and doing." *

A public meeting at Deschambault is convoked, said M. Morin,† "for the purpose of solemnly protesting against certain resolutions moved in the British parliament by Lord John Russell, in view of passing laws to take our money from us without our consent. This ministerial measure is a violation of our most sacred rights, and will cause the spoliation of our substance: it is an act of the greatest oppression and the most tyrannical character; it is a measure which the Canadians ought never to suffer being carried into operation; one which they ought to resist with every kind of power (*toutes les forces*), and by all means whatever. From what has just passed in Britain, it is clear that the people there have no sympathy for us, and that we must look for it elsewhere. We are despised; oppression is in store for us, and (even) annihilation. It is intended to put us under the yoke of a degrading (*infâme*) oppressiveness. No more liberty for us! Slavery is about to become our portion. But this state of things needs endure no longer than while we are unable to redress it (*le repousser*").

Everywhere, in a word, agitation was going on for maintaining the principles of the ninety-two resolutions, or in support of government; the friends of whom, on their part, promised aid to the authorities in confronting the opposition party (*parti du mouvement*). The constitutional associations of Quebec and Mont-

* "Il est temps d'en venir à une conclusion." *Le Canadien*, Aug. 28, 1837.

† *Le Canadien*, July 21, 1837.

real held crowded public meetings; while many persons (of liberal sentiments) drew up with the associators, because they were hopeless of their cause, in a contest with the mother country; opinions being so divided in the colony. The Montreal association had published, the year preceding (1836), an address to the people of all the North American dependencies of Britain, appealing to their common religious (protestant) convictions and nationality. In the United States, the newspapers, when treating of Canadian affairs, viewed them very diversely; and it might be taken for granted that the federal government would not interfere till the cause of independence should gain the ascendant, and then only to claim the fruits (*prix*) of victory.

While matters were in the above state, news arrived that Lord John Russell had declared (June 23) in the house of commons, his willingness to leave in abeyance the bill founded upon the resolutions lately passed by the house, in hopes the (malcontent) Canadians would let themselves be convinced that their demands were incompatible with their political status as colonists. This intimation foretokened the calling up another assembly for the lower province. Lord Gosford, although he felt constrained to join with the other commissioners in a report unfavourable to us, yet was averse to carrying out what it proposed; and though he expected no benefit to arise from a dissolution, [?] he hoped that the re-composition he meant to propose for the two councils, and which the ministry was likely to sanction, would have a good result. He did not wish to believe, either, that serious outbreaks would take place; and he did not, till the eleventh hour, avail himself of the permission sent him to order up soldiers from New Brunswick. He thought that there was much exaggeration of facts in the reports of what passed at meetings of M. Papineau's partisans; and believed that things would mend if the two councils were liberalized: in any case, he confidently thought that the great body of the French-Canadians were not hostile, at heart, to Britain.

Nor did the Earl deceive himself in this trustfulness, notwithstanding that troubles, ending in a partial revolt, *did* arise. The leading aspiration (*premier vœu*) of the Canadians was to preserve their usages and nationality; now these would have been at once

jeoparded by the annexation of their country to the United States. A conviction that the British aimed at depriving them of the cherished possessions above indicated, was the moving cause, with many of the malcontents, to take up arms against the government. Lord Gosford felt the truth of this so strongly, that he recommended the addition of seven French Canadians to the legislative council, and nine more to the executive council.

The chambers were summoned to meet on the 18th of August. When they met, the governor recommended the assembly-men to make dispositions themselves for the employment of the revenue; intimating, that, if they did not, the home government would order it to be done for them. This tentative message did not succeed in shaking the firmness of the majority in the house: the members of which, with a fatal obstinacy, voted an address protesting against the suggestions contained in the report of the commissioners; which being presented to the governor Aug. 26, he immediately prorogued the parliament by proclamation; a copy of which M. Papineau found on his seat, on returning from the hall of audience. Concurring circumstances now made Lord Gosford believe that Papineau's partisans meant nothing less than to set up a republic; and that they were turning to account the odium excited by the violent and unjustifiable attacks of the minority, by courting their suffrages for the ascendancy of the same partisans when the change should be made.*

The enforced termination of the session just begun, left no further hope that an amicable arrangement could possibly be effected. In several localities of Montreal district the people were led away by agitators. Opposition discourses went on unceasingly, in town and country. The authorities began to act with rigour against the parties who indulged in them, by displacing a great number of magistrates and militia officers, including M. Papineau; who when (civilly) asked if he had assisted at a meeting in St. Laurent, made a reply insolently evasive (*avec hauteur*), addressed to the governor's secretary. But these uncommissionings only furnished new arms for partisanship to handle. The young men of the movement party were especially violent (*emportés*). The opposition clubs had rami-

* Despatch from the Earl of Gosford to Baron Glenelg, dated Sept. 2, 1837.

fications among the workmen, who were called on to sustain (physically) the majority in assembly against the executive. Great efforts were made to engage the humbler class (generally) to join in a revolt; and meetings of them were called in view of inducing them to do so by exciting their passions. These attempts failed, mobbish curiosity alone being aroused on such occasions. As for the French-Canadian people (in the best sense of that collective term), as they lived remote from the towns, much apart from British settlers, and felt no governmental pressure (real or imagined), they continued to pass their lives in habitual tranquillity. The expositions got up of the unjust doings and tyrannical acts of the dominating aliens, but slightly affected the rural imagination, and but temporarily ruffled the even current of country life. The plain-witted *habitants*, too, sluggish as their natures might be, had seen so many noisy vindicators of general rights, and denouncers of public wrongs, at last side with the alien perpetrators whenever emolument or power for themselves was to be obtained from the (alleged) enemies of the French race!

There were exceptions to this inertness of spirit, however, even in some of the rural districts. The county of Two Mountains, in particular, was sensibly perturbed. At St. Denis, and in several other localities, entertainments were given to the displaced magistrates and militia officers; secret associations also were formed, and open resistance was spoken of. Already a banded party of young men in Montreal, met regularly for military training, taking the name of "Sons of Liberty."* The members of this band published a threatening manifesto, against which the constitutional association of the same city fulminated a counter-declaration. Both parties had agencies in the country districts.

At Quebec, some young men of opposition principles, after vainly trying to get up a combination like that of the Sons of Liberty, received an intimation from those of Montreal that they were about to enter upon action; whereupon these Quebec youths de-

* A term originally invented by Colonel Barré, applied by him approvingly in the British parliament, to the malcontent provincials, eagerly appropriated to them, and borrowed (to sorry purpose) by the Canadian insurrectionists.—*B.*

termined to imitate the example. M. Cazeau, one of the members, relying on the aid of the workmen in the suburb of St. Roch, prepared for warlike use a quantity of bullets; a perilous commodity which the young gentleman took great pains to conceal thereafter, when the police made a domiliciary visit. M. Morin was chief of the secretly armed club of which Cazeau was a member; but such hostile demonstrations found little acceptance with the community. M. Morin complained of this, to his political friends of the Two Mountains; writing to them, Oct. 25, in a letter of thanks for the acknowledgment they had made of his services in the great cause, that "their common efforts in its behalf would certainly have been crowned with success, but for intriguers, who had worked on the ignorance, or fears, or corrupt spirit of many of the supposed well affected;" but adding, that "with constancy and courage aiding, we shall overcome this temporary obstruction in our path; and while manifesting the baseness and corruption of our enemies, we shall unmask the hypocrisy of our pretended friends."

M. Morin, for all this bold strain, was a gentle, polite, and studious man, with a suavity of manner more suited to a divine, than for one possessing the ardent temperament of a conspirator. To play the latter part he was ill-fitted indeed; a truth thus recognised in *Le Canadien* newspaper: "It was in an evil hour that he set himself up for a party-chief in this district. So long as he had to act under the direction of firmer natures, of men used to command, he passed for a man of ready powers (*homme habile*); but ever since he began to direct others in what it were needful to do, his incapacity as a leader has become painfully manifest."

At St. Denis, St. Charles, St. Eustache, Berthier, and Acadie, warlike preparations were in progress. The central and standing committee of Montreal, comprising the chiefs of the movement, sent an address to the Workmen's Association in London; * a kind

* The evil designs, and the atrocious means by which they were to be effected, of the truculent-minded yet despicable crew thus abusing the name of honest Britons of the industrial class, are well exposed and properly denounced in an instructive as well as interesting book, lately published in this city, entitled "Conservative Science; or Somerville's Diligent Life," &c. Montreal: J. Lovell, 1860.—*B.*

of revolutionary club; in the hope, questionless, of obtaining the sympathy, at least, of a section of the British people. Some of the hot-heads (*têtes exaltées*) of Montreal resolved to address the American congress, and demand free trade (*commerce libre*). By degrees the men of the movement-party became so daring as to disquiet (*incommoder*) their more peaceable fellow-subjects: who were finally induced to join in demonstrations antagonistic to theirs. Col. Hertel, in command of a battalion of militia 1,500 strong, in the county of Two Mountains itself, then the centre of agitation, wrote to the government that his soldiers were full of loyalty, and ready to obey all orders from head-quarters. But most of his men seeing as yet no real danger, were inclined to let the governor get out of his difficulties as he best might; this the rather because he had brought them on himself by invidiously maintaining a system full of injustice, and national preferences. Yet when they learned that open resistance to the authorities had been made, at St. Denis and St. Charles, they renounced their neutrality and prepared to support the government; while the French-Canadians at Quebec, Montreal, Berthier, Rivière-Ouelle, Kamouraska, Lotbinière, Portneuf, Champlain, Three-Rivers, and in nearly all the counties, sent on loyal addresses, and stood up for the government.

Threats made by the disaffected in different localities, induced the authorities to arm trustworthy civilians, to enable order to be maintained. These precautionary measures, however, did not prevent the partisans of the movement from holding an aggregate meeting of inhabitants of the counties of Richelieu, St. Hyacinthe, Rouville, Chambly, and Verchères. Those of Acadie county conjoining, a kind of political compact was formed, called the Confederation of the Six Counties: which comprised a dozen members of assembly and 100 militia-men, the latter marshalled by cashiered officers of that force. Numerous banners, bearing all sorts of inscriptions, were displayed on such occasions. For example: "Papineau and the elective system!" "Honour to those who have resigned their commissions, and been sent adrift (*destitués*)!" "Shame upon their successors!" "Our friends of Upper Canada!" "Honour to the brave Canadians of 1813: the country awaits their services!" "Independence!" The legislative

council was pictorially represented, on flags, by a death's-head-and-cross-bones!

Dr. W. Nelson, of St. Denis, took the chair (at the first meeting). Messrs. Papineau, Wilson, L.-M. Viger, Lacoste, T. S. Brown, and Girod, spoke in turn. A kind of "declaration of the rights of man" was subscribed. M. Papineau, who had begun to see that matters were going farther than he intended, now made an oration which disappointed his more ardent partisans. He recommended that no appeal to the arbitrament of arms should be countenanced. The only constitutional form of resistance to Britain, and the best too, he said, was to *buy* nothing from her. Against this (peddling) polity Dr. Nelson loudly protested; adding, that the time for armed action (not pocket inaction) was come. The resolutions passed at this time, served as bases for an "appeal to the people;" copies of which having been profusely distributed throughout the province, M. Lartigue, bishop of Montreal, was induced, by way of counterbalance, to issue a pastoral letter (*mandement*) to the Canadian catholics, enjoining them to be on their guard against the evil counsels contained in said appeal; reminding his flock, that obedience to the powers established, was a cardinal rule of the Romish church. This warning voice from the clergy, who have ever had a great influence over the French-Canadians, made itself heard under every roof-tree, from the highest to the lowest, in the entire country.

In 1837, the see of Quebec was filled by M. Signaï, the successor of M. Panet, who again was the successor of M. Plessis. M. Signaï now approved of the admonitory words addressed by

* Dr. O'Callaghan wrote to me from Albany, under date of July 17, 1852: "If you are to blame for the movement, blame then those who plotted and contrived it, and who are to be held in history responsible for it. We, my friends, were the victims, not the conspirators; and were I on my death-bed, I could declare before Heaven that I had no more idea of a movement of resistance, when I left Montreal and went to the Richelieu river with M. Papineau, than I have now of being bishop of Quebec. And I also know that M. Papineau and I secreted ourselves for some time in a farmer's house in the parish of St. Marc, lest our presence might alarm that country and be made a pretext for rashness. . . . I saw as clearly as I now see, that the country was not prepared."

his episcopal auxiliary to those people who had been or might be misled by agitators: "For a length of time back, dear brethren, we hear of nothing but agitation, yea even of revolt; and this in a country which has hitherto been distinguished by its loyalty, its spirit of peace, its love for the religion of our fathers. On every side we behold brothers rise up against their brothers, friends against their friends, citizens against their fellow-citizens; and discord, from one extremity of this diocese to the other, seems to have burst asunder the bonds of charity which united the members of the same body, the children of the same church, the children of that catholicity, which is a religion of unity. It is not then our attention to give an opinion, as a citizen, on any purely political question, between the different branches of government, which is in the right, or which is in the wrong; this is one of those things which God has delivered to the consideration of seculars: (*mundum tradidit disputationi eorum*); but the moral question, namely, what is the duty of a catholic towards the civil power established and constituted in each state? this religious question falling within our jurisdiction and competency, it is undoubtedly the province of your bishop to give you all necessary instruction on that subject, and your province is to listen to him. Should then any one wish to engage you in a revolt against the established government, under the pretext that you form a part of the *sovereign people*, suffer not yourselves to be seduced. The too famous National Convention of France, though obliged to admit the principle of the sovereignty of the people, because it was to this principle that it owed its existence, took good care to condemn popular insurrections, by inserting in the *Declaration of Rights* which heads the Constitution of 1795, that the sovereignty resides, not in a part, nor even in the majority of the people, but in the entire body of the citizens. Now who will dare to say that, in this country, the totality of our citizens desire the overthrow of the government?"

The pastoral letter had (as above observed) a great effect. Concurrently, the *Canadien* renewed its earnest advices, on the urgent necessity there was for pronouncing against the movement-party in its armed resistance, for the sake of the national honour, and even in the name of threatened Liberty herself; while the

of Montreal put themselves in communication with
to obtain the aid of the executive council in
t application to the home authorities, for the
ıch reforms as would satisfy a majority of
' thus appease the troubles of the time.
ok immediate measures to stifle the
the law to be respected. In the year pre-
orne had yielded the reins of government to
d Head. It was said that some discord existing
d Glenelg and the former, had caused him to resign.
that may be, upon reaching Montreal, he was triumph-
welcomed by the British party in that city. Thence he
assed to New York, where he was to embark for Europe with his family; but before he could get away, he received a despatch from Lord Glenelg, and a commission from Lord Hill, investing him with supreme command, as lieutenant-general of the whole military force in the two Canadas.

After visiting Washington and some places in the States, the British generalissimo returned to Canada, and armed a part of the male population of Montreal and Quebec, organizing volunteer corps of infantry, cavalry, and artillery. He also armed almost all the Irish colonists; a great number of whom had made common cause, thitherto, with the oppositionists of the most red-hot principles (*les libéraux les plus exaltés*): thus evincing a versatility of nature, in the character of the Irish, which may serve to account for the evil destinies of their country.* Six hundred volunteers were armed and equipped in a few days' time. Colborne also ordered up a reinforcement of regulars from New Brunswick.

The public excitement in several localities was too great to be quickly allayed, or even to be appeased without an effusion of blood, more or less copious according to circumstances, should antagonistic parties in arms come into bodily presence unexpectedly. Already some scuffles (*troubles sérieux*) had taken place in Montreal city. Thus, Nov. 7, the volunteers of the "Doric Club"

* We call the attention of all Hibernians, and men of "West British" descent now in Canada, to the pregnant import of the few words in the aobve significant passage, made, as it were merely *obiter*, by the author. —*B.*

had come to blows with the "Sons of Liberty." The dwelling of M. Papineau, and that of Dr. Robertson, were attacked; the printing-house of the *Vindicator* newspaper, too, was devastated. Soldiers afterwards paraded the streets, with cannon following, to scare the riotous of both parties.

Many warrants were now issued by the authorities against the chiefs of the malcontent Canadians; 26 of whom, including Messrs. Papineau and Morin, Drs. O'Callaghan and Nelson, were accused of high-treason. At Quebec as in Montreal, the prescribed arrests were made without any difficulty; but in one rural district of the latter, successful resistance was made to the capture of the accused, and the officers of justice were put to flight. Afterwards the latter were escorted by the military; these also were in some places repulsed, but finally prevailed. Between Chambly and Longueuil a detachment of cavalry was worsted, and some prisoners under its charge were rescued.* A corps, composed of five companies of regulars, with a few horsemen and a field-piece, under the orders of Colonel Gore, which left Sorel for St. Denis and St. Charles, was on the 22nd November brought to a stand by Dr. Nelson, who, with some other insurgents, had barricaded himself in a large stone building. When the alarm-bell (*tocsin*) of the place sounded, 800 men answered the call, and put themselves at the doctor's disposition. Only 120 of them, however, had muskets, good or bad, and of ammunition there was little among them; while the rest were armed with picks, pitchforks, and cudgels. When a muster was made, only a part of the insurgents took their places for fighting, and the others retired. A successful resistance was thought so unlikely by this small band, that Dr. Nelson persuaded (*engagea*) M. Papineau (at the time we speak of conversing with Dr. O'Callaghan) to retire with the rest, so as not to imperil his life, for if he staid he would also risk the perdition of the cause he was the head of; adding, "It is not here that you can be most useful; we shall want your presence at another time (*nous aurons besoin de vous plus tard*)." Thus M. Papineau, who had opposed an appeal to arms in the Six Counties' meeting, carried off

* This (so-called) detachment was composed of 18 mounted volunteers, led by Lieut. Ermatinger.—*B.*

his feet (*entraîné*) by the torrent, braved the severe reproaches, as he observed himself to Dr. Nelson, people might cast upon him, if he were to take himself off (*s'éleigner*) at such a moment.*

The troops, on their arrival, took possession of the adjoining houses. After taking up their position, they opened a double fire, of small arms and from the field-piece, on the ensconced insurgents. Noting its small effect on the enemy, Col. Gore ordered Captain Markham to assault a distillery building, defended by 15 Canadians, which much inconvenienced the soldiers elsewhere; but, after several vain attempts to carry it, and the captain had been severely wounded, the assailants were recalled.

Towards 2 o'clock, the insurgents received an increase, which made the number of those who had arms about 206 in all: they then determined to take the offensive on several points, and succeeded in dislodging a party which was firing on them from behind a barn. The rest of the troops kept up the assault; but after a contest of two hours' duration, Colonel Gore, a veteran who served at Waterloo, was fain to retire from the field, leaving his cannon behind, also part of his ammunition, and some wounded men. M. Ovide Perrault, member of the assembly, was mortally wounded in this affair.

While the insurgents were thus repulsing the British soldiers at St. Denis, another column led by Col. Wetherall, 330 strong, with two cannon and a few mounted volunteers, was on its way from

* See "Papineau et Nelson: Blanc et Noir," the title of a pamphlet, with affidavits appended, published at Montreal in 1848, by the proprietors of *l'Avenir* newspaper.—["Discretion," says Falstaff, "is the better part of valour." Fire-breathing words seem fitted to inflame all but those who utter them. But the Canadian orator might plead the greatest of all exemplars in such cases: Demosthenes, it is said, was one of the first to take *leg-bail* among the discomfited at Cherona; Cicero cut but a poor figure as a man of action (he took Clodius and his gang by surprise, and had besides the whole lawful force of the republic on his side); and he died rather ignobly. M. Dupin, senior, the great mouth-piece of the Liberal opposition in the French legislature under the last Bourbon, and who did, perhaps, more than any man to provoke the revolution of 1830, hid himself in the cellar of his mansion in Paris, after trying in vain to get out of the city, (as did also the present annotator!) all the while it was going on.—*Histoire des Dix Ans*, par Louis Blanc.—*B.*

Chambly to form a junction with Col. Gore. When combined, the two parties were to assail the village of St. Charles, where the ensurgents were intrenched. Wetherall's progress was very slow, for the bridges over the streams he had to cross had been broken down. Although he did not find Gore at the place of rendezvous, he still went on; and, near St. Charles, several shots were fired against him. He confronted the insurgents' position, Nov. 25. Their line of defence was formed of felled trees, faced with earth and supported by the mansion of M. Debartzch, the walls of which had been loop-holed; the whole work forming a long square between the river and the foot of a hillock, which commanded the rear of the position. It was defended by a few hundred men, most of them without arms, as at St. Denis; and Mr. T. S. Brown, who was to have commanded them, fled before the attack began. They had, indeed, two cannon, but were able to fire them only once or twice. Wetherall turned their position, posted his men on the petty eminence above noted, got his two guns into place, and began to play on the insurgents, who had now no other way of issue than the river. The latter, notwithstanding, kept up a brisk return fire; one party also making a sortie, and, screened by some trees on their right, galling Wetherall's flank so much that a rear party had to be brought up to dislodge them. The firing was kept up for an hour, but more and more faintly on the the part of the defenders; the balls from the assailants field-pieces having made great breaches in the rude field-work, and its defenders getting into confusion. The British advanced with fixed bayonets, carried the works at one stroke, and killed (*massacrerent*) all those who did not ask for quarter, only 30 surrendering. More than 100 perished, and 372 besides were wounded.

The combat finished, the camp was destroyed, all but the house of M. Debartzch; and the British force returned to Montreal by Chambly and St. John's; dispersing, on the route, at Point Olivier, a party of insurgents who tried to stop their passage.

The whole district of Montreal was now put under martial law, while the people began to meet in town and country to renounce,

* This is somewhat at variance with the particulars preluding the author's account of the fighting there.—*B.*

publicly all participation in the revolt. Messrs. La Fontaine and Leslie, apprehending that they had been too obstinate, repaired to Quebec and solicited Lord Gosford to convoke the chambers, but it was now too late for negociation: the opposition in the assembly having tried force and failed, were at the mercy of their antagonists. This result ought to have been seen from the first: and the result now was, that the cause had to abide the evil consequences of an entire defeat, though its defenders had ventured upon mere skirmishings with their antagonists in a few scattered localities: the masses not having stirred, there was no revolution. As a natural consequence, Lord Gosford declined to parley.

Meanwhile some insurrectionary demonstrations near the right bank of the St. Lawrence, were met and put down. A party coming tardily into the field from the United States, was captured or dispersed at Four Corners, near Lake Champlain. There now remained but one affected point to assail, on the left bank of the flood, which was St. Eustache, in Two Mountains County. Here Dr. Chénier and Armury Giron (a Swiss settler) had assumed the lead of an insurgent body in their district. They appropriated a cannon and some small arms in the hands of the people of the Indian village: then repaired to St. Eustache, seized upon the convent there and turned it into a block-house for their party. The parish priest (M. Paquin), Mr. Scott (member of assembly), Mr. Emery Féré, and Mr. Desères, vicar of the parish, (the latter of whom read to the rebels Colborne's proclamation,) succeeded in persuading the peasants at Chénier's heels to return to their homes in peace, and only one young man was left in the convent to represent an insurgent garrison. But others present, of rebellious stamp, arriving on a sudden from Grand-Brûlé or elsewhere, replaced the retiring defaulters, and, during several days, the country had to endure the presence and disorders of a varying number of 400 to 1500 rovers in bands, some regularly armed, but most not. Before any force arrived to restore order, and, upon hearing the news of the (blood-letting) affair at St. Charles, with the dispersion of the rebels in the south, M. Paquin, thinking the occasion opportune for bestowing salutary advice, invited Dr. Chénier to his parsonage, and begged he would renounce an enterprise as hopeless as it was perilous. The adviser's sensible and kindly meant

adjurations were seconded by other gentlemen present on the occasion, both ecclesiastics and seculars, but their attempts to overcome the obstinacy of unreason in their man proved bootless. Chénier would have it, that the intelligence from St. Charles was false; he pretended he had just heard, by courier, that the southern rebels were triumphing; finally, that his determination was, to conquer or die with arms in hand! But while his tongue syllabled these words of resolution, his eyes betrayed the weakness of his nature, for it was observed that some tears trickled down his cheeks. Instead of following the counsels of the worthy chief priest of the parish, Chénier and his men turned him out of his dwelling, making a block-house of it, and also taking post in the church of the place as a kind of citadel. Many families had already set out, or were getting ready to start, for Montreal from the neighbouring parishes. Several alerts had taken place, owing to the reported approach of the royal troops; and it was plain that any attempt to resist them by the few rebels still in arms, would prove futile.

At length Sir John Colborne arrived in person with 2,000 men, eight field-pieces, a rocket-mortar, and a train of ammunition-waggons, &c., the whole line covering fully two miles of roadway. At the sight of this imposing array of war, most of the insurgent troop at St. Charles took to flight, leaving Chénier with from 200 to 250 men only to defend the convent, the parish church, the parsonage and adjoining houses, in which they had taken post. Several, even of those left, having no arms, applied for some to the doctor, who replied, "Be easy about that: there will be men killed: you can take their muskets."

When the British had fully invested the village, their artillery began to play upon the fastnesses of the insurgents. The latter returned their fire spiritedly till amunition failed them, and even forced the artillerymen of one battery to recede. After a two hours' cannonade, Captain Leclerc's volunteers, the 32nd regiment, and the Royals were called up, and, after a terrible fire of musketry, the order was given to assault. By this time the houses containing the rebels were on fire. Driven by the flames, as they got head, to abandon each of the burning buildings in succession, the defenders at last joined their comrades posted in the church, which was pre-

sently invested by the British, and menaced with destruction by the progress of the conflagration. Chénier and the rest tried to mantain the place for a time in spite of flames and bullets; but finding the building no longer tenable, he, with a few of the more enterprising, leaped the church windows, and tried to make his way through the assailants, but was shot and died ere the churchyard wall was reached. Not one of his men escaped in the carnage which followed. The village itself was first plundered and then burnt.

On searching the bodies of the dead, there were found in the pouches of several of them, boys' marbles, intended for use as bullets. Girod, who absconded before the fight, but who was sought for nevertheless, when on the point of being arrested shot himself.*

The combat of St. Eustache was the last attempted by the rebels, and their defeat here finished the insurrection at one blow.

The troops marched against St. Benoit, which place, although unresisting, met the fate of St. Eustache and St. Denis; whither nearly 1,100 men had been sent to destroy the village, in revenge for the defeat of the 32nd. The revolters were now in despair: all their chiefs were taken or were in flight. M. Papineau, and several other compromised individuals of mark, had found their way across the frontier and were safe in the States. The opposi-

* "Historical Journal of the Events that happened at St. Eustache during the Rebellion of the County of Two Mountains. By an Eye-witness." Published in *l'Ami du Peuple* and *le Canadien*, A.D. 1838.

["At St. Benoit, Sir John Colborne found upwards of 250 men drawn up in line exhibiting white flags, and stating that they surrendered at discretion....He dealt with much humanity, dismissing most of them." CHRISTIE: *Hist. L. Canada*, v. 9, 10.

"Prior to my leaving Grand Brûlé, almost every house in the town was set fire to, as well as the church, priest's house, &c. No exertion on my part was spared to save as much as possible; but the irregular troops employed were not to be controlled, and were in every case, I believe, the instruments of the infliction."—*Major Townsend to Col. Gore*, Dec. 18, 1837.

"Many of those who served as volunteers were persons who had been exceedingly ill-treated and plundered by the patriots while in the ascendant, during a great part of the preceding summer."—CHRISTIE: v, ii.—*B.*]

tion journals were under seizure or silent; the people everywhere submissive, and in many places they signed addresses professing their loyalty. The voices of the clergy were heard again amid the political wreck, and the bishops of Quebec and Montreal began to return thanks to God for the restoration of peace to the country.

"What misery, what desolation, have overspread many of the fairest fields," said the bishop of Montreal, "since the demon of war has been let loose upon our beautiful and till lately happy country; wherein abundance and content reigned erewhile with order and security, until brigands and rebels, by means of sophistry and lies, misled a part of the people of this diocese. How now, about the fine promises made (by the seditious) of the wonderful things they would do for you?..... Was it the controlling spirit of a numerical majority of the people of this country, who, according to the insurgents, ought to have sway in all things, that directed their military operations? Did you find yourselves in a condition of greater freedom than before, while exposed to all sorts of vexations, threatened with fire-raisings, loss of goods, deprivation even of life itself, if you did not submit to the frightful despotism of those insurgents; who, by violent not persuasive means, caused more than a moiety of all the dupes they had to take up arms against the victorious armies of our sovereign."

"For ourselves," added the bishop of Quebec, "during the disasters of which some parts of this province have been the theatre, we have, in imitation of Moses, implored the Lord not to abandon his people in their extremity; and now we have the happiness to see, as well as yourselves, that God, in his loving-kindness, listened to our humble supplications."

But if calm were re-establishing in Lower Canada, the upper province was threatened, in its turn, with similar troubles to those which had taken place in Montreal district, &c. Mr. W. L. M'Kenzie raised the insurrectional standard in Navy-Island, two miles above Niagara Falls; where he had taken refuge with a body of Canadian malcontents, and "sympathisers" from the neighbouring States. In London district, also, some rebels were roving about the country. The insurgents, however, could not long make head against the authorities: one party of them was

put to the rout in the London district; another was defeated, at Amherstburg; and M'Kenzie's party was obliged to quite Navy Island, after making a show of opposition for several days; so that Upper as well as Lower Canada was swept clear of insurgents. But the borders, on both sides of the parting line between the two provinces and the north-eastern States, were still infested with parties of Canadian revolters and intrusive Americans, directed by M'Kenzie and Dr. Robert Nelson; who even published a "declaration of independence," dated March 1838. Within the colony, all was quiet at this time; while the federal government sent an armed force, under Generals Scott and Brady, as a corps of observation, which took post on the American frontier-line, in view of causing neutrality to be respected by all citizens of the States. This movement was doubtless due to bellicose remonstrances, previously made at Washington by Mr. Fox, British envoy, against the little respect which the American authorities had evinced for the laws of nations, while the Canadian revolt lasted. But the governors of Vermont and New York, each in a proclamation issued anteriorly, cautioned their people not to take part in the struggle going on.

In other British North American dependencies, as New Brunswick and Nova Scotia, no revolt took place: on the contrary, as soon as news of the Canadian outbreaks arrived, the colonists of both those countries met in public assembly and assured the authorities of their firm support.

Before the insurrection broke out, the Queen, in her speech at the opening of the Imperial legislature, called the attention of the two houses of parliament to the troubled state of our affairs. Messrs. Hume and Leader had called upon the ministers to inform the commons what course they meant to pursue after driving, by their past policy, a moral, quiet, and religious people to the very brink of revolution; as also to explain how it was that numbers of the Upper-Canadians made common cause with the malcontent race aforesaid. In reply, Lord John Russell defended the Canadian policy of the cabinet; but declined to enter into explanations as to what he or his colleagues meant to do in the energency. This much he intimated, that the resignation of Lord Gosford, who had long been soliciting his recal, was

now accepted; and that Sir John Colborne would fill the place of governor temporarily.

When intelligence of the outbreaks in the province reached London, several merchants of that city trading with the Canadas, repaired in deputation, for themselves and others, to the colonial-office, and, on inquiries made, were assured by Lord Glenelg that the interests of every loyal subject in the colony would be anxiously cared for; also that the rebellion would very certainly be soon be put down by force. The while, the members of the commercialist classes of the province, especially the British merchants in Quebec, but still more those of Montreal, began to clamour for a union of the two Canadas. In view of communicating their earnest wishes on this point, the former despatched Mr. Stuart, to London; the latter sending Messrs. Moffat and Badgley on the same quest. They inclined not to let French nationality raise its head again; and by current rumours among the British population, which reached fitfully Canadian ears, it was easy for us to foresee, that, as soon as the British party were not able to maintain a supremacy over the Canadian race, even with the aid of the home government, yet the Upper-Canadian population becoming more considerable, the two provinces would be combined in one, thus to terminate the quarrel between their two races.

The Earl of Gosford received several valedictory addresses from the inhabitants of the capital, and those of the neighbouring parishes. He left Quebec, late in February 1838, *viâ* the United States; visiting Philadelphia and Washington before embarking for Europe. Sir F. B. Head, governor of Upper Canada, who also had demanded a recal, was not long in following him. Several British journals blamed the conduct of the cabinet; but there was no doubt that the ministers would be supported by the parliament and a majority of the people. They might reckon on the approbation of the other British North American colonists, as discussions which had lately taken place in the assembly of New Brunswick sufficiently proved. The people of that province were even ready to aid the home government to upset the whole social organization of the Lower-Canadians. "It is a second conquest that is wanted in that colony!" exclaimed Mr. Wilmott, one of the

chiefs of assembly in that province, inspired by sentiments expressed in the *Gazette* newspaper of Montreal. In Upper Canada, where the Union question had been submitted for consideration to the two chambers, the representatives consented to the principle of it, provided that British preponderance should be ensured in the compact; also conditioning, in advance, that no use should be made of the French language either in the legislature or before the tribunals.

Such were, everywhere, the sentiments of our fellow-subjects in respect to us, and the interests of our race. Such was the result of the insurrection of 1837; the minor movement of 1838 being but its abortive counterpart. In no part of the country were the people prepared (for a successful revolt). The only persons who were ready to move, were those who made a kind of trade of politics, agitators, partisans, &c.; who passed, in many cases, from one camp to the other; some really believing in a revolution as ensuring a remedy for existing abuses, others only regarding it as a means proper for advancing their personal interests or satisfying their own ambitious aspirations. Each kept up the excitement of his fellows; all gave the rein to their own and fostered their neighbours' vain imaginations, till at length great things seemed little, and little things looked great, both being diversely viewed through a medium of "blear illusion." The very judgment of some seemed to be perverted for the time. Presently those whom self-love or interested motives impelled or induced to join with former opponents, persuaded, not only others, but themselves too, that they were the real patriots which they professed to be, merely from frequenting the society of those who had a valid claim to that distinction. But time, which tries all men's pretensions, soon enabled us to discriminate the false from the true: words profess, but events show; and no insincere man ever yet endured nobly the worst consequences that might befal him through holding the even tenor to the last of that which he takes to be a rightful course.

CHAPTER III.

UNION OF THE TWO CANADAS.

1838–1840.

Effect of the troubles of 1837 in Britain, France, and the United States. —Policy of the Imperial Parliament.—Debates in both houses on Canadian affairs.—Earl of Durham nominated governor.—His arrival at Quebec.—His proclamation to the people.—He organizes his council.—Individuals under accusation for political offences amnestied or temporarily exiled.—Mr. Wakefield sent secretly to M. Papineau and other party chiefs.—Attitude of the several parties.—Lord Durham in Upper Canada.—He secures a majority therein favourable to union.—Meeting, in Quebec, of the different governors of the Laurentian gulf region.—The half amnesty, by which several of the incriminated parties were arbitrarily exiled, denounced in the British legislature, and disavowed by the home government.—Lord Durham resigns in disgust.—Addresses at leave-taking for Europe, and his replies thereto. —Sir John Colborne again governor *pro tem.*—Renewed insurrection essayed in the Chambly district.—Colborne marches thither, with 7 or 8 thousand men, and ravages the country.—Numerous arrests follow.—Trials of the parties implicated.—Eighty-nine condemned to die; thirteen of whom are executed, and forty-seven banished.—Lord Durham's Report on Canadian affairs.—Bill for a Union of the Canadas brought into parliament, but its consideration delayed till next year.—Mr. Poulett Thompson, nominated governor, arrives at Quebec.—He repairs to Upper Canada, and convokes its legislature.—He persuades the two chambers there to adopt the conditions prescribed for the projected Union.—That measure becomes a law in Britain, despite the petitions presented against it by the Lower-Canadians, as well as the opposition of the Duke of Wellington and Lord Gosford. —The act of Union proclaimed in Canada.—General remarks.—Canadian people at the time of the Union.—APPENDIX: supplementary populationistics, &c.

What, then, was to be the result of an armed resistance so quickly overcome? An occasion presented itself, and was eagerly taken after being long desired by the victorious party, of incorporating the two Canadas, politically, as one province. Although the attempt to effect that object in 1822 had failed, the dexterous

and persistent policy of that party had been ever preparing the way for realizing the project now about to be effected. The rashness of M. Papineau had, questionless, much precipitated the change; but the colonial-office was always on the look out for finding means to bring about the desired consummation, and the far-seeing among ourselves ever expected that ministerial tendencies would cause a violent concussion (*choc*) soon or late. Despite their language, British ministries knew well that what they said would not be literally interpreted; and that the Canadians would stand up against the real harm intended them, under specious pretexts of good intended, and through means of agencies based on deceptious maxims of ultra-liberal character.

Up to the time we have arrived at, there had been no civil wars in Canada; consequently, the contest just terminated attracted, while it lasted, much attention in Britain, the States, and France. In the United Kingdom, as soon as news arrived of the first revolt, measures were taken for sending troops over to repress it; while, in the United States, the government had great difficulty to keep in leash "sympathising" citizens, hundreds of whom flocked to the standard of Mackenzie, to the great disquiet of Upper Canada all the winter through. In France, Canada had been so completely forgotten, that people were asking of one another whereabouts it lay; and had to be reminded that it was still the abiding-place of certain descendants of their own race of other days, located in parts beyond sea. Then the Gallic mind was stirred in our favour; and a republican journal suggested the formation of a volunteer legion of auxiliaries, to assist us in the struggle. The *Gazette de France*, in a more thoughtful spirit, thus disserted on the affairs of Canada: "There we find another Ireland re-produced; a country to be oppressed, to suffer under the arbitrary yoke of its conquerors. It is coerced for its religious belief; and, though its people are nominally put on a footing of equality, they are yet separated from their fellow-colonists by outrageous (*choquante*) political inferiority.....Conquerors thought that nationalities could be made and unmade at the fiat of a diplomacy void of heart (*sans entrailles*); that the territory of a people might be cut and shaped as if it were a piece of cloth; and that communities of men could be readily broken up and allotted, some to one master, some to another, as

easily as so many herds of cattle. Because an invasion and defeats in resisting it, have made a people succumb to the conqueror, is he to suppose that he has a right to make them his absolute property, both body and soul, by imposing upon them his laws, his religion, his habitudes, and his language? Is he to be sanctioned in changing, by constraint, the very heart of a people by imposed educational institutions; or shall he be allowed, without reprobation, to invade the most sacred part of man's moral constitution, the sanctuary of conscience..... What are the rights now contended for in Quebec and at Montreal? Of directing the outlay of public money by those who have furnished it (surely the right of all men), and representation in the legislature, in accordance with the principles of that nationality which emigrants [?] took with them to America; even as Eneas is fabled to have taken with him into Italy, the laws and customs of Ilion, as well as the penates of the exiles he led.....

"And as if to give the world a bodily token of the real nature of the Canadian movement, and of its conformity to right principles, we find that the two men at its head are, one of French the other of Irish blood, namely, M. Papineau and Mr. O'Connell,—both catholics, and each alike claiming for his fellow-sufferers and himself religious liberty, along with political freedom; in fine, such institutions and laws as those in the communities to which they severally belong have founded and developed."

Had the revolt been of a more serious character than it was, the American government, and probably that of France afterwards, would have been impelled (*entraîné*) to intervene with an effect sufficient to ensure the independence of the two Canadas. But as the troubles which had burst out were rather the result of a political struggle prolonged beyond endurance, than due to a formed determination to shake off British supremacy, the chiefs of the movement did not yield to the desire of their followers to take up arms till the eleventh hour; and even in the address from the six counties' association, although menaces were thrown out, anticipations of a hoped-for redress of grievances still formed a topic; so true is this, that those who subscribed it had made no preparations whatever for following up their menaces by war. And in the physical resistances which followed, at St. Denis and St.

Charles, not one man in four had a firelock; while the attack made upon the insurgents was made, not by regular corps despatched to confront rebellion, but by parties of soldiers sent to aid civil officers in making captions. Nevertheless, as an example of successful tumultuary resistance is ever perilous to a government, it was inevitable that ours should act with rigour (*sévir*) at the outset, and put it down promptly by a display of superior force; for those who cannot repress a body of revolted colonists, will soon have to deal with a nation of revolutionists. Aware of this (by past American experience), the almost universal British mind was all for war against the insurgents. As soon as the Imperial parliament assembled (Jan. 16), Lord John Russell explained what measures for repression of the revolt had been determined on; and addresses to the Queen from both houses, were moved and carried, assuring her Majesty of their support in the crisis. Next day, his Lordship brought in a bill for suspending the constitution of Lower Canada.

The provisions of this bill, as they were successively brought forward, led to a discussion which continued for several days; yet a part of the opposition made to each in turn was due, not to a wish to defend French-Canadian interests, but to make a handle of our complaints for assailing the existing cabinet. Whig-and-tory contestations between those party athletes Russell and Peel, such partisans wrestlings were not likely to result in any favourable result for oppressed colonists. Roebuck was heard, at great length, against the bill, as agent for Lower Canada; making an exposition of colonial wrongs, the detail of which lasted four hours. But his influence in the lower house had fallen off; and, besides, he had not always acted prudently in our behalf. Thus he attended at a meeting holden in London, presided by Mr. Hume, at which it was declared that the possession of Canada was of no advantage to Britain, seeing that it only supplied pretexts for maintaining a commercial monopoly; and the people of Britain were advised to meet in every part of the country, to petition parliament, and to induce the ministry to renounce their coercion of the colonists. To raise up such a question from such a motive, at the time of an insurrectionary movement, was giving encouragement to the malcontents to persevere, and, by consequence, raising in Britain feelings of

suspicion against the Canadians. Nevertheless, Lord Brougham and the Duke of Wellington in the house of Lords, with Messrs. Warburton, Hume, Leader, and Stanley in the commons, blamed the conduct of ministers, and threw upon them the discredit of the events that had taken place. Lord Brougham, in particular, made a speech in which he recommended clemency for the insurgents, and upheld their right to revolt; saying, "We loudly censure the Canadians," urged he; "but which is the country, who are the people, who gave them the example of insurrection? You exclaim against them for revolting: you, who have disposed of their money without their consent; you, who have violated those rights which you made a merit of having accorded to them. Then you enumerate their other advantages; how that they have no taxes to pay, that they receive considerable aid from this country, that they enjoy gratuitously precious trading privileges which it cost us dear to obtain, and then you wind up all with the (scornful) observation: 'The whole dispute between us and them resolves itself into the fact, that we have appropriated some £20,000 without the permission of their assembly-men!' Why, it was for resisting the illegal exaction of a poor pound sterling, that Hampden gained an undying name as an English patriot; a name for which the Plantagenets and the Guelphs would have given all the blood that flowed in their veins! If it be a crime to resist oppression, to rise up against a usurping power, and to defend public freedom when it is assailed, which are the greatest criminals? Was it not ourselves who set the example to our American brethren? Blame them not too harshly for following it..... Besides, you propose to punish a whole province, because it contains a few malcontent parishes; thus, by your undiscriminating proscriptions, you chastise those even who have helped you to stifle the insurrection!"

Yet the minority who voted against the ministerial project, among the commons, was but 7 or 8 strong,—half of the members being then absent.* Their opposition, nevertheless, obliged min-

* The numbers of a final majority and minority in either house of parliament, give no proper indication of the relative strength of either on any contested subject. It is at the second reading of a bill, that its fate is virtually determined. Voting afterwards, is usually little more than

isters to limit the powers first intended to be vested in the governor and special council, who were meant to rule absolute in Canada while its constitution were in abeyance. Another inquest was ordered to be made on the spot, as to the state of the country. The Earl of Durham was chosen for chief of this mission of inquiry. When nominated to the office, in order to pre-dispose the Canadians in his favour, his Lordship announced, in the house of lords, that while he would endeavour to make the supremacy of Britain be respected in every part of the colony, he would patronize no section of the population in especial, whether English, French, or Canadian; but that he would administer justice to all, and extend to all an equal protection. During the attendant discussion in parliament, the ministers hid their secret aim with the greatest care, and to the last manifested a reserve which imposed on many persons. Lord John Russell announced, that the crown would avail itself of the royal prerogative to authorize the earl, in its name, to select ten individuals in Lower Canada, and as many in the upper province (should he think fit), to form a council for assisting him with their advice; lest the government which was to supersede the Canadian constitution for a time, should seem to be entirely that of the ministers and their nominee. Lord Howick, in reply to Sir R. Peel, affected to insist on the necessity of dealing justly by the Canadians. Thus he observed, "If I thought the great mass of the people were hostile to Britain, I should say that what ought to be done would be, to see how a final separation between them and us could be effected without sacrificing British interests. But I do not think that the Canadian people are opposed to British domination; for our alliance is yet more necessary to them, than their connection is important for us. If it be only for their laws and particular usages that they are struggling, surrounded as they are by a people of differing races, they must be aware that they would be made to undergo, if they lost British protection, a much more violent change than any which they have yet had to endure; one certainly greater and more general than any which we may mean to prescribe for them."

formal. The commoners opposed to the Canadian coercion bill were therefore far more numerous than the author would have his readers believe.—*B.*

He added an expression of his belief, that those colonists who aspired to national independence were few in number; and that the implicated parties had been led on step by step to a crisis, because each man hoped to triumph over his adversary. He said that he did not despair of both the contending parties being satisfied; but still he thought that a system of unlimited executive responsibility was irreconcilable with the relations which ought to exist between a colony and the metropolitan power. Lord Howick, like every other speaker on the ministerial side, carefully avoided all mention of any intended union of the two Canadas, either on this occasion or any other while the discussion lasted.

Sir William Molesworth, in opposition, disapproved of the suspension of the constitution; but he approved of the choice of Lord Durham to govern the country *ad interim*, if its suspension must take place. Mr. Grote said, "If the violation in part of the constitution determined the Canadians to arm in defence of their rights, if Lord Gosford precipitated a revolt merely by adopting certain resolutions, how will they endure the suspension of the constitution entirely, and the confiscation of popular freedom?" Mr. Warburton proposed to grant complete emancipation; saying, "Britain has aided the people of Greece, of Poland, of South America, of Hanover, to achieve or to attempt gaining their freedom: why should we wish to deny that benefit to the Canadian people?"

These extreme ideas (probably put forward tentatively) succeeded not in "drawing out" the ministers as to their final intents. Mr. Ellice, who was not always in their confidence although their adherent, and who had not, as we know, their skilfulness, lauded the nomination of Lord Durham; adding a suggestion, that he should govern Canada in the same way as Ireland was ruled.

In the house of peers, Lords Brougham, Ellenborough, and Mansfield protested against suspending the constitution; because they thought, now that the rebellion was quelled, there was no need for such a measure. Lord Ellenborough taunted the ministry for designing to unite the two Canadas; he exclaimed, that this was the true and only reason for persisting in their present course. Lord Glenelg, unmasked by this sudden apostrophe, loudly disavowed harbouring any such intention; and declared that the cabinet wished only to modify the constitution: as for a union, he

added, that could be effected only by consent of the people of the two provinces themselves. Ministers thought they could impose upon the world all the more easily by holding this language, in that they affected, during the discussion, to speak of the Canadians as a race of ignorant simpletons easy to deceive: this, too, notwithstanding the recent troubles; which practically proved, if they did no more, that they appreciated their rights, and keenly felt when they were unjustly ignored.

After a number of petty contrarieties which the ministers had to endure at the hands of opposition parties in the two houses,—chiefly due to the vague (*mystérieux*) terms they used while invoking on the occasion the principles of liberty, justice, and conciliation (always dwelling, too, on the inherent vices of the Canadian constitution),—the imperial parliament accorded to them all the essential powers they had at first asked for; and Lord Durham made immediate preparations for his passage to Canada.

The earl, a great radical though he were in his politics, was personally very fond of luxury and show.* He had represented his sovereign, with surpassing pomp, as ambassador at St. Petersburgh in 1833. He now aspired to eclipse, by a parade of vice-regality, all the splendour of preceding governors of Canada. The ship-of-war which brought his Lordship to our honoured shores was richly fitted up for his especial use. Its state-rooms and cabins were resigned to the use of his numerous suite and confidants; to his secretaries, his aides-de-camp, &c. A band of musicians on board, made the time passed in voyaging seem short. Previously, a great number of persons who were to play subordinate parts in the mission, had been sent on to await the arrival of its chief. Two regiments of royal guards, with some hussars, were also embarked for Quebec. In a word, all things betokened a display among us of ambassadorial magnificence hitherto unknown to any region of

* An ostensibly democratic noble is ever the most deep-dyed of aristocrats at heart. A flaming reformer is a political despot turned wrong-side out. Double exemplars of this, among British earls of the last age, were "citizen Charles Stanhope," and radical John George Lambton-Durham. But the "pure patriotism" ascribed to the latter was really born of a bilious temperament.—*B.*

North America. When the great man arrived in Quebec the parliament-house was fitted up as a palace for him and his following.

Meanwhile, as soon as the imperial parliament by its bill had suspended the Canadian constitution, an order was sent to Sir John Colborne to form a special council for dispatch of the more pressing executive business. This body, 22 in number, a moiety of all being Canadians, met in April. Public tranquillity now seeming to be ensured, the several volunteer corps assembled during the troubles were broken up.

When Lord Durham arrived before Quebec, the province was in a state of perfect calm. Two days afterwards (May 29) he landed, under a salute of artillery, from ships and citadel; and, with his suite, amid a double line of soldiers, ascending in state to the castle of St. Louis, he there forthwith took the prescribed oaths, with all accustomed formalities. He wished to signalize at once his advent to power, by an act of grace in favour of parties in durance for political offences; but found this to be impracticable just yet, no crown-officer being then in presence to aid him with direction and advice in the matter. He failed not, however, to address a long proclamation * to the people; in which he employed a strain of language which marked him for being a personage not at all cognizant of what it were needful to say in addressing a North-American population. For example, in one passage thus did his lordship deliver himself: "The honest conscientious advocates of reform, and of the amelioration of defective institutions, will receive from me, without distinction of party, races, or politics, that assistance and encouragement which their patriotism has a right to command;.....but all disturbers of the public peace, all violators of the law, all enemies of the crown and of the British empire, will find in me an uncompromising opponent." Again, speaking of the re-establishment of the constitution, he observed,

* The author, as above, ascribes to the earl's proclamation the character of lengthiness, though it did not contain 500 words exclusive of the subscribing paragraphs; forgetting the myriad phrases ever in use by the Papineaus, Morins, &c. for giving expression to even the pettiest of the political grievances afflicting their patriotic hearts.—*B.*

"On you, the people of British America, on your conduct, and the extent of your co-operation with me, will mainly depend whether that event shall be delayed or immediate. I therefore invite from you the most free, unreserved communications. I beg you to consider me as a friend, and an arbitrator ready at all times to listen to your wishes, complaints, and grievances; for I am fully determined to act with the strictest impartiality."

Now this language smelt too much of the despotical, it betrayed too plainly the proud consciousness of power possessed, to please every one. A right estimation of the man who used it had already been taken, founded on the almost oriental pomp he chose to indulge in. Wishing to persuade the people that upon him alone their destiny depended, his first public act was to dismiss Colborne's special councillors, although they had issued too many ordinances more or less conformable to the (arbitrary) spirit of the time; he also informed the executive councillors (the originators of all the late troubles), that for the present he had no need of their services either; and he named *pro forma* an executive council along with a new special council, composed of his secretary, Mr. Buller, admiral Paget (then just arrived), Generals Clitherow and Macdonnell, colonel Charles Grey, and several other persons of his suite. He added to them five judges, along with Mr. Daly, provincial secretary, and Mr. Routh, commissary-general, because he had need of some one having a knowledge of the country.

He afterwards organized divers commissions, to make inquiry as to the administration of unsettled lands, also respecting immigration, municipal institutions, and education. The seigniory of Montreal, belonging to the Montreal seminarists, and the board of mortgages, also engaged his lordship's attention. The British party had, for a long time back, desired to confiscate the estates of the Sulpicians, as those of the Recollets and Jesuits had been already; but Durham, who knew how serviceable it would be to his projects not to excite the apprehensions of the clergy, seized the occasion, now presented, to assure them of his favourable regard; and to prove it, accorded an incontrovertible title of possession to the incorporated ecclesiastics of Montreal seminary.

A rock ahead in his lordship's course was the disposal of the charges brought against sundry individuals for sedition and rebel-

lion. Trials for political offences are rarely viewed with any favour by the public; and prosecuting governments seldom come out of their judicial contests with individuals without losing a part of their popularity, if even without some diminution of their power. In the present case, Lord Durham well knew that the incriminated persons would not be brought in guilty of treason, unless by jurymen selected from the ranks of their enemies. He therefore preferred to proceed by a method of his own, which would avoid the risk and cost of formal law-process, and should have an air of magnanimity about it at the same time. Taking advantage of an auspicious season,—the day fixed for the coronation of Queen Victoria (June 28, 1838),—he suddenly proclaimed a general amnesty of all political offences committed during the recent troubles: making exception, however, of the cases of fourscore individuals; but even in their regard, an intimation was made in the proclamation, that, after undergoing an exile for unspecified periods, they might hope to be restored to their country and homes as soon as public safety would permit. There were further excepted from final pardon, the murderers of a British subaltern officer, who was intercepted and slain while carrying despatches to his superiors, at the outbreak of the late revolts. Of the 80 persons designated for banishment, some were in prison, and the rest had fled abroad. The former were to be sent to Bermuda, and retained as convicts usually are. The government, having but a speculative power over the latter class of accused parties, could only forbid their return to the colony—unless by special permission—under severe penalties. This seemed to be sage and humane as well as an easy way of surmounting a great difficulty; but unhappily, by ordaining the transportation of accused persons to penal colonies without the accustomed forms of jurisprudence, he became a violator of his country's laws, and, as he had many enemies in the British legislature, the occasion was eagerly seized by the latter to denounce him personally, and damage the credit of the cabinet under whose instructions he acted.

By the Canadians, however, [the parties most concerned,] the measure was favourably looked on; and the earl's agents in the colony were careful to foster their contentment on the occasion. In the journal intituled *The Canadian*, an article now appeared

(June 8), written by Mr. Derbishire, an employé of the earl's, in which the project of a union of the two provinces, lately advocated by the British journals of Montreal, was argumentatively combated. There was much art in this; for people were thence led to infer that both master and man held the same sentiments on this vexed subject. Thus was his lordship's popularity meant to be increased, and the coming indemnity measure have the better chance of finding acceptance with the French-Canadians. Not only so, but every occasion was taken by the earl's double-dealing (*perfides*) agents, to denounce the crying abuses indulged in by preceding chief administrators, and to sound the praises of the people's representatives, for submitting so long and so patiently to such enormities! One emissary (Mr. Wakefield) was sent secretly, by the earl, to seek out M. Papineau. Several times previously did he meet M. Lafontaine at Montreal, whom he sought to persuade of the good intents of his lordship; intimating that he (Wakefield) was about to have an interview with M. Papineau, in the United States, not as an envoy of the administration, but as the friend of Sir Wm. Molesworth and Mr. Leader, in name of both of whom he begged M. Lafontaine to give him a letter of introduction to the "Canadian Chief," as he expected much good would result therefrom. He said also to M. Cartier, in passing to Burlington, that the earl, and Messrs. Buller and Turton, were great friends of his (Cartier's) compatriots. After Wakefield's return, he assisted at different interviews with Mr. Buller and M. Lafontaine, in which much was said regarding the constitution and the ordinance regarding the excepted exiles. At a later period, and after the ordinance had been disavowed by the home government, other partisans of the discredited earl tried, but without success, to engage several (leading) Canadians to get up public meetings for defending his lordship's policy.*

All these manœuvres were had recourse too, as much as possible, out of the knowledge of the British party; for whom a quite different tone of language was adopted.

It would be hard to find, in the history of any country, more

* Letter of M. Lafontaine to the editor of *l'Aurore*, Montreal, Jan. 17, 1839.

shameful acts than those committed, at this time, by British political agents. Unfortunately, being skilful intriguers, some of these persons contrived to reach the innermost heart of several of our political leaders; and their success in sounding the lower Canadian mind encouraged Lord Durham to strive to consummate his great intent; which was, to kill French nationality among us. Thus, after having passed many hours, nay entire days, on divers occasions, in the society of some of our chief men,—giving themselves out, the while, for our assured friends,—they published openly their opinion, in the London newspapers,* that the British public had been deceived and blinded, for the Canadians merited no sympathy whatever; adding, that they (the writers) took this public mode of making the British people aware of the impositions lately put upon by them by the apologists of an unworthy race. In particular, M. Lafontaine, and others of our eminent compatriots, were represented as being men of limited capacity, unlettered, deficient in capacity, and slaves of the narrowest prejudices.

Concurrently, intimate relations were establishing between Lord Durham and the British citizens of Montreal,—a body of colonists who led all the rest of their compatriots among us at that time. At first, indeed, the British party had its little distrusts of his lordship; but their leaders had now got hold of the earl's master-idea, and thus sustained him with all their might. The earl, in the course of a vice-regal progress through the province, in passing to Montreal was there received "with all the honours" as a thing of course; he seizing the occasion to indoctrinate the leaders of the party with the particulars of his plan for an incorporating Union of the Canadas.

The earl was right so far, in thus hastily cropping laurels which were soon destined to wither. An invincible dislike to the earl personally, yet more than disapproval of the mission he was sent on, pervaded the lords and commons' houses after his departure from the British shores. The secrecy with which the government chose to envelop its intents with regard to Canadian polity, seemed to provoke

* Letter signed, "Edward Gibbon Wakefield," in *The Spectator*, London weekly paper, Nov. 22, 1838.

the ire even more than it piqued the curiosity of the mystified legislature. The members of the cabinet, though of course perfectly aware of all that was intended to be done in the case, when inquiring members tried to pump them as to how the earl would act in any given case, ever simulated an impotency of answering the natural question, "What will he do with it?" His lordship's compeers of the upper house, in particular, were much chafed at cabinet evasions; and when the news arrived of the earl's arbitrary disposal of the cases of the chief Canadian revolters and their accomplices, as also of his Lordship's administrative metamorphoses, the "outs" were in high dudgeon, not to say fiercely wroth, at his off-hand way of dealing with men and things. Thus Lord Lyndhurst declared in his place, that no such act of despotism as that perpetrated by the Durham indemnity ordinance had ever been hazarded in any country at all regardful of legal forms. The ministers, wishing to defend their envoy, were scarcely less warm in repelling those attacks, denouncing them as uncalled for in the highest degree; and said that it was most unpatriotic thus to proclaim a British administrator as a contemner of law and a despotic prefect of the very worst kind,—all this, too, from a spirit of partisanship too, or, worse still, personal dislike. Lords Brougham and Ellenborough, however, undaunted by such rebukes, followed up the strictures of Lyndhurst by declaring, that the council constituted by Earl Durham was anything but the "special council" which the British legislature had authorized him to embody. One of his most accredited legal advisers, Mr. Turton, it appeared, had suffered such pecuniary penalties as English law inflicts on adulterers for the benefit of the finances of the injured. Mr. Wakefield,* likewise, had been the hero of a scandalous prosecution; and though Lord Glenelg implored Lord Durham not to employ him, yet was he now deep in his principal's confidence; as we have indeed just seen. The personal discredit attaching

* The *procès déshonorant* which the author alludes to was a prosecution of E. G. W. and his brother for the abduction of a Miss Turner, whom they inveigled from a boarding-school, and one of the twain married clandestinely; which marriage was never consummated, but had to be annulled, notwithstanding, by a special act of parliament. The Wakefields were each sentenced to two years' imprisonment for the offence.—*H.*

to these persons, was reflected with much effect on Lord Durham's character as a man. Still, what his Lordship had done in the way of special council-making might be amended; so Lord Brougham brought in a bill for that purpose; and the introduction of this measure led to fiery debates, during which the Duke of Wellington expressing *his* disapprobation of the Durham Indemnity ordinance, the ministry could no longer stand at bay. The premier (Lord Melbourne) had perforce to own, that his envoy had acted contrary to law, and that his action must needs be disallowed. He observed, however, that he could not help feeling much disquieted at the evil effects likely to result from a confession that the government had got itself into a false position; for such a self-stultification evidently tended to encourage rebellion, through the impunity now likely to be extended to those who had engaged in it.

Intelligence of the official disavowal of the Durham polity arrived in Canada just at a time when its author (or executor) was holding a kind of court, the chief personages in which, after himself, were the governors of and deputies from every province of British America,—all assembled at Quebec, by order or on invitation, to deliberate with the earl on colonial concernments of every description. Evil news, communicated at such a time, was calculated to wound him to the quick, and it did so. Forthwith he determined to renounce the further prosecution of his mission. Meantime, however, he became suddenly plain-spoken as to what he had intended to do in regard of the Canadians; saying, *inter alia*, to the assembled administrators from far and near, that "he was (had been) on the point of promulgating laws, which would be effectually protective of all those vital interests of Britain, which, up to that time, had been so strangely neglected." At Quebec, at Toronto, the British residents met, and voted addresses expressive of their regret for the premature discussions of Canadian affairs in the imperial parliament, and of sorrow for the departure of Lord Durham; with an added expression of their admiration of his talents, and an expressed reliance on the expediency of the measures which he had devised for the benefit of the colony. His addressers at Montreal, going a step further, advised a Union of the Canadas. One of the most violent enemies of the Canadians, named Thom, and whom Lord Durham had at first appointed to

two charges in the province, but whom public opinion obliged his patron to transfer to the North-West wilderness, advocated a confederation of all the colonies, "because there were so many republicans in Upper Canada." But this suggestion of his was repudiated. The speech he made awakened the fears of the writers for *The Canadian*. This journal, which supported the administration, professed surprise to find an upholder of the government declare, that the projects of Earl Durham tended to make a truly British province of Lower Canada.

By this time, the British-Canadian party in London had met, and forwarded to ministers addresses approbatory of Lord Durham's polity; the colonial association, on its part, expressed to the Duke of Wellington and Sir Robert Peel, the strong regret of the members at the proceedings against the earl in parliament; while the British-Canadian merchants of the metropolis renewed their demand of a Union. Concurrently, the British of Quebec and Montreal burnt, in effigy, Lords Brougham, Glenelg, and Melbourne; while the French-Canadians of Quebec met and passed resolutions repudiating these outrages, and thanking Lord Brougham and Mr. Leader for the part they had taken in parliament as defenders of Canadian rights. Everywhere, however, in London, Quebec, and Montreal, it was plain, from the accordance of sentiment among the British party, however wide apart, that the Durham polity would be carried out, if possible; in other words, that Lower-Canadian interests were about to be sacrificed. Before leaving Upper Canada for Quebec, Lord Durham announced his retirement to the people, in a long proclamation. Therein, while censuring the mystery which had thitherto veiled the most important affairs of the colonies, he committed the same fault himself, by carefully concealing the nature of the measures which he meant to recommend to the home government. Nevertheless, he expressed himself on the present occasion, with less reserve, on some points, than was habitual to him: intimating, that he wished to impress on Lower Canada an entirely British stamp; to accord to its people a free constitution, with responsible government; to drown all the miserable jealousies of petty provincialism and odious alienations of race, in a universal sentiment of enlarged rather than restricted nationality. This announcement had no

comfort in it for the French-Canadians; for whom the fine words about "liberty" and "a more noble and vast nationality," foreshadowed the coming annihilation of their language, of their laws, of the privileges or immunities accorded to their race: and they could not but remember that the recent outbreak was entirely due to the fact of these possessions, so dear to them, having been superseded or vitiated by the home government, or at least by its agents resident among them.

Lord Durham complained, in the next place, that his conduct had been constantly carped at in parliament; in such a way, too, as manifested the complete ignorance, among his critics, of the real state of the country he was charged to pacify. And he repeated, in his reply, to the address of the British residents of Quebec in his favour, what he had already intimated, in other words, by his concluding proclamation.

"I return for these reasons, and these alone. The proceedings in the House of Lords, acquiesced in by the ministry, have deprived the government in this province of all moral power and consideration. They have reduced it to a state of executive nullity, and rendered it dependent on one branch of the Imperial legislature for the immediate sanction of each separate measure. In truth and in effect, the government here is now administered by two or three Peers from their seats in parliament.....

"In this novel and anomalous state of things, it would neither be for your advantage nor mine, that I should remain here. My post is, where your interests are really decided upon. In parliament, I can defend your rights, declare your wants and wishes, and expose the impolicy and cruelty of proceedings, which, whilst they are too liable to the imputation of having originated in personal animosity and party feeling, are also fraught with imminent danger to the welfare of these important colonies, to the permanence of their connexion with the British empire."

The earl embarked for Europe, along with his family, on the first day of November; leaving the direction of the affairs of the colony in the hands of Sir John Colborne. Just before leaving, an address was presented to him, in name of the British typographers of Quebec; in replying to which his Lordship said, among other things: "I lament that your patriotism has not served as an example to the

(French-)Canadian printers.... Engaged in the culpable task of fomenting old abuses and ancient prejudices and of inflaming national enmities, they seem to overlook the ills and even ruin to which they inevitably expose a people naturally credulous, and ever disposed to lend an ear to their perfidious counsels. Should they succeed in bringing about so deplorable a result, upon them will rest its terrible responsibllity, and they will merit condign punishment therefor." The better to evince such sentiments as he cherished [against Canadian nationality and interests], he had, before laying down the reins of power, appointed James Stuart chief-justice of the province.

Whilst, by the above language and acts accordant, Lord Durham was provoking our malcontentment up to the latest moment, the refugees from Canada in the U. States, and the armed Americans who sympathised with them, turned the public discontents to account by organizing an invasion, in connexion with a simultaneous rising of the people of both Canadas. Parliamentary meetings of disaffected and "sympathisers" were holden at Washington, Philadelphia, &c., wherein appeared prominently, Dr. Robert Nelson, brother of the insurgent chief of the fight at St. Denis, who solicited American assistance in the rebellion about to be renewed. Nelson, at the same time, published a "Canadian declaration of independence." Forthwith his partisans assembled, in arms, at New York, Albany, also at some other towns, &c. on the frontiers; and succeeded, by a tissue of lies, in attracting to their banner some Canadians from Montreal district. Shortly before Lord Durham's departure, the government was informed that, in Montreal city alone, more than 3,000 men had taken a secret oath to take up arms at call:* this was a gross exaggeration, but not quite unfounded on fact; for, early in November, several risings actually took place in several parts of Lower Canada, viz., about the river Richelieu, at Beauharnois, Terrebonne, Châteauguay, Rouville, Varennes, Contrecœur, and in some other parishes; while a corps of Americans and refugees, led by Dr. Nelson, entered Canada and took possession of Napierville. Sir John Colborne, who

* Letter from Sir John Colborne to the Marquis of Normanby, May 6, 1839.

expected such an inroad to take place, immediately assembled the council, proclaimed martial law, arrested all suspected persons within his reach (after arming a body of volunteers who came forward); and, with a force from 7,000 to 8,000 strong, composed of regulars, militia, and savages, gathered together from every side, threw himself upon the invaded region; but which was well-nigh evacuated by its disturbers before his arrival.

It now appeared that most of the men who were to take part in the rising, having neither fire-arms nor ammunition, had equipped themselves with pikes, bludgeons, &c. Many of them, with knapsacks only, repaired to assigned places of rendezvous, where, it was promised, they would obtain arms and other requisites; but on their arrival at such places, finding no provision of the kind made for them, they retired, some to their Canadian homes, others to the conterminous American states. And thus it was, that when Sir John Colborne came upon the scene, all bore the semblance at least of perfect tranquillity.

But although there was not even a show of resistance to him anywhere in the devoted districts, he caused the torch of the incendiary to make a circuit throughout the country, confounding the lands and property of the guilty and innocent in one common ruin.

In the upper province, some American "sympathisers," along with returned refugees in arms, disembarked at Prescott and possessed themselves of a mill; but whence they were expelled by a large military force, soon afterwards. Other parties, of like character, disquieted the frontiers, all winter through; attacking Windsor, and some other points along the colonial line; but the assailants gained no important foothold anywhere. The American authorities in the districts nearest to the seats of these inroads, did all they could to prevent them. The federal government had already established an armed force, on its northern and north-western frontier, to repress violations of its limits, commanded by Generals Scott and Worth. Their interposition, however, was not much wanted in the case; for our revolters and their American allies, though the little encouragement they received for the resident population, from their stinted supplies, and want of accord among themselves, were able to effect little, and

gradually melted away as an effective armed body, whether for offensive or defensive purposes.

Nevertheless, the reigning "oligarchy," the members of which had become furious, the year before, at not having had an opportunity to shed rebel gore on the scaffold, were bent on having their thirst for blood slaked now. Nothing less would serve. They wished, also, to make a strong impression, in Britain, regarding the profundity of Anglo-Canadian loyalty. The party had meantime reinforced itself, by taking chief direction of the police in the different cities and towns.

The oligarchy laid an embargo on the sale of arms at the stores of those who dealt in these articles. The same *clique* caused two of the French-Canadian judges—one at Quebec, the other at Montreal—to be suspended from their functions, because they would not consent to violate the law of Habeas Corpus; and because they ruled, that the order in special council putting in abeyance that law was an illegal measure. Finally, the oligarchy erased the names of a great number of Canadians in the commission of the peace, from the magisterial rolls. "For a state of peace to be maintained," thus argued the writers for the *Herald* newspaper, "we must make a solitude: the French-Canadians must be swept from the face of the earth..... On Sunday night, the whole country behind Laprairie presented a frightful spectacle, being one sheet of livid flames; and it is said, that not one rebel's house has been left standing. God knows what is to become of the Canadians who have not perished, their wives or their families, during the coming winter, seeing that they have nought in prospect but the horrors of hunger and cold. It is sad," added the journalist, "to reflect on the terrible consequences of rebellion! to think of the utter ruin of so many human beings, let them be innocent or guilty. Nevertheless, a necessity exists that the law's supremacy be maintained, that the integrity of the empire be respected, and that peace and prosperity be assured to the British race, even at the cost of the entire French-Canadian people."

Sir John Colborne, his brief campaign ended, hastened to organize courts martial, and caused to be led before his military subalterns for summary judgment, numbers of the prisoners with whom the jails were crowded. Many of the most notable French-Canadi-

ans of Montreal and the country parts, had been imprisoned, some on a direct charge, others on suspicion, of being traitors, with or without proper reason. At Quebec, at Three-Rivers, the arrests continued, though all was tranquil there. While this was going on, the military tribunals were executing their assigned functions briskly: in short space, they condemned to death 89 of the accused, and consigned to banishment as felons 47 more, whose destinations of transport were the isles of Oceania; and ordered the confiscation of their goods for her Majesty's use. All this, to the great declectation of the writers in the *Herald:*—"We have just seen," thus they announced in their journal of Nov. 19, "the new gallows,made by Mr. Bronsdon; and we believe that it is to be set up facing the prison, so that the (incarcerated) rebels may enjoy a sight that, doubtless, will not fail to assure to them sound sleep and agreeable dreams! Six or seven of them can be strung up at once, without difficulty, on the new gibbet; but a yet greater number, at a pinch, would it accommodate."

Thirteen of the number of those condemned capitally, suffered on the scaffolds erected for them, amid the exultations (*aux applaudissements*) of their enemies, who eagerly repaired to a spectacle which, in the eye of hate, had the aspect of a triumph. The unfortunates, on their part, endured their fate with firmness. We cannot peruse, without emotion, those letters penned, in prospect of death, by one of them (chevalier de Lorimier) to his wife, to his relatives, and to his friends, in which he attested the sincerity of his political faith. His supreme hour come, he signed, before mounting the scaffold, a declaration of his principles, which at once manifested the strength of his convictions and the danger attending the propagation of opinions that, put into (premature) action, lead to results so disastrous.

When the gibbet had done its work in Lower Canada, as well as in the upper province, and the vengeance of the conquerors was so far appeased, public curiosity was directed to head-quarters, in Britain itself, to note how passing events here would be regarded at home, what reception awaited Lord Durham, and what acceptance would be given to his suggestions for the pacification of the colony. By this time, Sir John Colborne, having been appointed governor-general of both Canadas, convoked his special

council, in February 1839; which body sat two months, and issued many governing ordinances.

Nevertheless, the (Tory) Duke of Wellington had already expressed his opinion of the latest insurrectionary risings among us, and censured, indirectly, the harshness with which they had been suppressed. "The Canadian insurrection," he remarked, "has been a petty affair in itself, and confined to a mere corner of the country; but it has indeed been accompanied by (serious) inroads and aggressions, along all the frontier line, against her Majesty's colonial subjects, by the people of the United States." Mr. Roebuck, also, had published in the London newspapers several letters censuring the conduct of Lord Durham in our regard; but the earl, being the accredited head of the radical party in parliament, had no lack of defenders among the British journalists. Personally, he had been long begirt with a band of salaried partisans, and expectant toadies (*créatures*), who ever loudly trumpeted his alleged patriotism and the surpassingness of his imputed talents. These now earnestly set themselves to exalt the energy he had displayed in his late issueless mission, and cried up the merits of the Report on Canadian Affairs which he had just presented to the ministry.

This document, excessively verbose as it is, but drawn up with much care and art, is yet a mere piece of special pleading in favour of *anglification;* although its tenor, in the main, goes to approbate the chief principles defended by the majority in assembly.—Lord Durham owned, that the sojourn he made among the Canadians had quite rectified his preconceptions regarding the causes of the then existing evils which obtained among them. He expected to find a government at issue with a people; whereas he found two nationalities at war against each other in the bosom of one state: that was not a contest of principles, but a war of races: one race being enlightened, active, enterprising; the other ignorant, inert, and blindly submissive to chiefs themselves enslaved by the narrowest prejudices; among the latter, some partly tories in disguise, who sought to hide their hostility to British immigration under the semblance of a war of principles against the government; others, again, being true democrats, men really independent. "Such is the deplorable state of things," added his lordship, "produced by that

conflict of races which has long estranged the populations of Lower Canada, and which at length has assumed the formidable character I have just depicted."

After enlarging upon Canadian divisions, their causes and effects, the earl proceeded to treat of the means whereby they might be reconciled; as thus,—"There are two modes of treating a conquered country. The first is, to respect the rights and the nationality of the holders of the soil; to maintain the existing laws and established institutions; to give no special encouragement to immigrants from the conquering country; and, without undertaking to change the elements of society, merely to consolidate the province under the authority of a central government. The second is, to treat the vanquished country as if it were permissible for its conquerors to look upon the inhabitants as subordinated subjects merely, and to strive at assimilating, as rapidly as possible, their character and institutions to those of the metropolitan state." For an old-established community, the first-indicated system ought to be adopted; but in one of recent foundation, the second were preferable. Unfortunately, the American revolution had prevented the adoption of the latter in Canada, where the nationality of the people had been preserved (if only) for maintaining a barrier of alienism against our neighbours of the States.* Now that matters were changed, and there was no further need for us in that respect, it was possible to retrace the steps taken in the direction thus indicated. Such was the reasoning, but not so plainly expressed, of the British viceroy in the report regarding our affairs made to his sovereign.

As for the true cause of the dissensions between the government and the house of assembly, the writer fully justified the latter, by attributing its refusal of a civil list to the resolution it had adopted of never renouncing the only means it had of subjecting the state functionaries to public responsibility of some sort. "It is a mere illusion," thus reads the Report, "to imagine that simple restrictions on the constitution itself, or that an exclusive system of government, will cause an assembly of representatives, strong in the con-

* Despatch from Earl Bathurst to Sir J.-C. Sherbrooke, dated July 1, 1816.

soiousness that it is backed by a popular majority, to regard certain parts of the revenue as being out of its control; or to confine its attributions to the mere function of law-making, the members looking on the while, as passive or indifferent spectators, while their statutes are executed or eluded, as the case may be: still less is it likely that the assembly will sanction the employment of men to conduct the affairs of the country in whom, personally, it has no confidence whatever. The representative chamber may pass or reject laws, accord or refuse subsidies; but it has no influence in the nomination of any servant of the crown. The executive council, the judicial officers, all departmental chiefs, are appointed without the least regard to the preferences of the people or of their deputies; and examples are not wanting even, where a mere hostile feeling in the aspirant to the representative body, has helped him into a place of honour and confidence, for which he was signally unfit." Thus it was, that the governors came into collision with our assembly-men, whom the councillors, on their part, ever regarded as their sworn enemies. Moreover, the entire separation of legislative action from executive power, is the natural error of governments, which aim at freeing themselves from the control of representative bodies. "From first to last," reported Lord Durham, "I have discerned in those dissensions which fill the parliamentary history of Lower Canada, that the assembly has always been at war with the council relative to powers which are essential to be possessed by the former, through the very nature of representative institutions." The earl could not have justified, in stronger terms than the foregoing, the conduct of the assembly; and yet he afterwards adverted to that very conduct as sustaining him in recommending a union of the two Canadas; because (forsooth) that measure was the sole means fitted, first, to arrest disaffection; and, in the sequel, to efface French-Canadianism, by the agency of a majority of British loyalists.

The Earl inclined much for a union of all the British provinces of North America; but such a union would necessitate a system of centralisation repugnant to the spirit of the New-World populations.

Besides, to give satisfaction to each colony, it would be needful to continue the provincial assemblies, but with municipal

powers only; or, still better, assemblies of districts or of the smaller *arrondissements*. He would recommend, without hesitation, the legislative union of all the provinces, should difficulties arise among those of the eastern regions of British America; or even time had allowed the people of the latter to come into such a project before the conjunction of the two Canadas were effected. But if agitations arose among them in the sequel, their populations might be merged in the Canadian masses, among whom they would become a subordinate minority. Meanwhile, his lordship recommended that our two provinces should be joined together, under one government, giving to Lower and Upper Canada respectively an equal number of representatives in assembly. He proposed that the crown should give up all its revenues, except those derived from land-sales, in exchange for a proper civil list; that all civil officers should be made responsible to the legislature, the governor and his secretary always excepted; that the independence of the judges should be recognised; and, further, that the heads of ministerial departments should be bound to govern in accordance with the wishes of majorities in the two-chambers.

Such is the plan of provincial sway which Lord Durham fixed upon, and which he submitted to the home government and legislature, as the best of all those that had suggested themselves or been proposed to him, for re-establishing order, harmony, and peace among us. There were persons (of influence at head-quarters) who wished to ostracise, in mass, the French-Canadians; and deprive them, as being of alien race, of the representative and electoral franchise altogether. Others proposed a legislative union of the two Canadas, or indeed, of all the provinces, with a conjoint legislature for the whole of British America; therein reducing the French-Canadian members to a merely nominal number. Others, again, suggested a federal union. Lord Durham, upon his (first) arrival at Quebec, inclined much to the latter project; and, in view of effecting it, he entered into conferences with the deputations from the outer provinces, along with the public bodies and leading men of the Canadas, whom he called around him at Quebec, on the feasibility of a measure which would embrace all the colonies. He wished (at first) to conciliate the French-Canadians, who (through his means) would have had

the government of their own province, and retained their separate legislature, the executive leaving the care of British interests in charge of the general government; but, after sojourning some time in the country, and consulting the British party-leaders, his opinions underwent a change, for he became convinced that under such an arrangement as that just detailed gradual *anglification* would have been impossible to effect.

The union project, afterwards shaped by the British ministry, gave, as we observed above, an equal number of representatives to Lower Canada as to the upper province: nevertheless, by means of an unequal division of the electoral colleges, the British race among us were made sure of being able to elect two-thirds of the whole number of representatives. By way of a temporary solatium for the French-Canadians, the king's ministers added a clause to the other stipulations made in their act of constitution, that the Canadian legislative chambers should not have power to change the number of representatives without the consent of two-thirds of their members. But one of the provincial ministers of Upper Canada, Mr. Hincks, visiting London in 1854, took occasion to get a law passed making members for our upper chamber elective (merely), in order to get the restrictive clause, noted above, annulled by the Imperial parliament.*

The recomendations of Lord Durham were adopted by the British ministry. Nevertheless the Colonial Association of London was not satisfied, even by the sacrifice of the French-Canadians which the earl's measure was calculated to effect. That body wished to denude them of every political right by depriving them of their votes as electors; the company resisted, also, the system proposed of ministerial responsibility. Yet his lordship, also the members of the British cabinet, repelled such pretensions to interference in the case, and Lord Melbourne presented to the Imperial parliament, May 4, 1830, a royal message recommending a legislative union of the Canadas. An unexpected delay arose, however, in following up the recomendation, through an adverse vote being

* M. Morin, then a member of the Hincks administration, assures me that he was not made privy to such a mutation being intended by his colleagues; nor did he at all know about that change, so important in itself to French-Canadians, till he was informed of it by the newspapers.

passed against a ministerial measure regarding the affairs of Jamaica, which induced Lord Melbourne and most of his colleagues to send in their resignations. The cabinet by this time having but a feeble majority in parliament, was liable to constant untoward accidents of that kind. When the ministry had been re-constituted, Lord John Russell introduced the union bill to the commons in June following, when it was read a first and second time after some discussion; Sir Robert Peel, leader of the conservative party, and Mr. Joseph Hume, chief of the radical section, alike giving their general adhesion to the measure. This done, the bill was ordered to lie over till next session in order to give time for its further consideration, and to enable its promoters to obviate certain difficulties in the way of its further progress. Meanwhile the existence of the "special council" was continued; and Mr. Poulett Thompson, M.P,—a man reputed to be a radical in politics, or ultra parliamentary reformer,—was appointed governor-general of the two provinces. This gentleman, ostensibly nominated in view of bringing about a concurrence of all the Canadians in the views of the home government regarding our affairs, arrived at Quebec in October 1839, but set out thence almost immediately for Montreal; where he summoned the members of the special council to meet him in conference on the 11th day of November following. It resulted from this convocation that the ministerial project was accepted by all the members present but three.* In order to conciliate (*rassurer*) the catholic clergy, Mr. Thompson issued an ordinance recognizing the Seminary of Montreal for a legal corporation, and confirming previous titles of the seminarists and their successors, to have and to hold in undisturbed possession the three Seigniories of Montreal Island, of the Lake of Two Mountains, and of St. Sulpitius. The conference over, and the foregoing concession being made, the governor-general left for the Upper Province. On the 3rd day of December ensuing, he opened in person at Toronto the annual session of the Legislature of Western Canada. Mr.

* The Special Council was composed of the following persons:—Chief-Justice Stuart, and Messrs. Cuthbert, (†) De Léry, De Rocheblave, Quesnel, (†) Taché, Moffat, M'Gill, Neilson, (†) Gerard, Christie, Walter, Molson, Howard, Hale (of Sherbrooke), Wainwright, and Hale of Port neuf. The names crossed as above indicate those of the three dissentient members.

Thompson had it in charge more especially, from his employers, to induce the representatives of Upper Canada to accept the terms of union laid down in the Report of Earl Durham, which yet to some extent were in disaccord with the resolutions in council and assembly here, stipulating, one that the seat of government for both the Canadas should be located in the Eastern Province; and recommending, others, that the three lower counties of Quebec should be annexed to New Brunswick; that the deputies from Lower should be fewer than those of Upper Canada; that at the close of the year 1845 and thenceforward counties parcelled into seigniories should no longer be represented in the provincial parliament; that the use of the French language should be superseded in provincial legislation (*abolie*); and that the public debt of Upper Canada, which then exceeded one million in amount, should be saddled on the two provinces conjointly, although ours at that time owed nothing whatever to any public creditor. The governor-general was instructed to declare, on the present occasion, that the British ministry considered the existing times as opportune for effecting a union on the terms allowed by its own bill; and he was ordered to dissolve the Upper-Canadian assembly, if the members were not found conformable to ministerial wishes. He was also vested with power, if need were, to appoint a committee of leading notables of the colony, to settle the conditions upon which a union of the provinces ought to be effected.*

Lord John Russell in a despatch sent at this time to Mr. Thomson, in the course of argumentation therein adverse to the principle of a responsible system in the British Colonies, adverted to several parliamentary claims which had been recorded in the proceedings of assembly in Lower Canada, arrogating the right to the enjoyment of responsible government; his Lordship taking occasion, while making his strictures on such undue assumptions, to represent not only M. Papineau, but a majority of the late assembly-men, as so many rebels.

No sooner was the session opened of the Upper-Canadian legislature, than the Union question was taken up for discussion.

* Despatch from Lord John Russell to the Right Hon. Charles P. Thompson, of date Sep. 7, 1839.

Long were the debates thereupon; but they terminated in an acceptance of the project presented for the consideration of the members, and almost in the literal form of the measure as introduced. We need hardly say, on the other hand, how distasteful the same project, thus almost unanimously approved of in the upper, was to a great majority of the people (never consulted in the case) in the lower province. Protests against it were drawn up in the districts of Quebec and Trois-Rivières, all the clergy joining therein. As for the special council, all its members being crown nominees, it proved itself to be a creature of the government (almost) entirely; for, even out of the six French-Canadians who formed part of that body, only two voted against the ministerial measure.* Forty thousand signatures of the inhabitants of the above two districts of the lower province were append ed to petitions to the British legislature against the Union bill. The governor-general (by way of neutralising the effect of this cry of the country against impending wrong) assured Lord John Russell that the number of protestors was not so great as had been expected; that the resolutions passed at a public meeting, holden concurrently, of the people in Quebec city (of British birth or descent) really expressed the genuine sentiments of a great majority of the Lower-Canadians,—at least all those of them who were loyal subjects of the metropolitan government: finally, that the clergy, in their opposition, had taken a wrong view of the subject entirely, for its members (he alleged) in their hearts desired to maintain the special council in the exercise of

* The governor-general having called Mr. Neilson to a visit privately, as he wished to consult him on provincial affairs in general, and on the Union project in particular, that gentleman assured his Excellency that the latter measure would be distasteful to most of the inhabitants of Lower Canada, and be agreeable to but a few others—seeing that it tended to the oppression of the (French) Canadians. Proceeding to justify the soundness of the opinion thus expressed, the governor cut him short with the observation, interrogatingly put: "Oh! you are inimical to the proposed Union?" "I am so," was the brief (but decided) reply. "Then," abruptly responded the jack-in-office (*l'agent proconsulaire*), "we shall never come to an understanding on the subject!' For this account we are personally indebted to Mr. Neilson himself.

its functions, the while they demanded the re-establishment of the constitution of 1791!

The consent accorded as above to a Union by the assembly of Upper Canada, and the approbation of it by the special council of the lower province, emboldened the British cabinet ministers to proceed briskly with their incorporating bill. In the commons house, it was read a third time and passed, almost without any debating; Mr. Hume voting for, Mr. O'Connell against it, upon a division. The bill did not pass so easily in the chamber of peers, as it did in the house of commons. The Duke of Wellington, the Earl of Gosford, and several others voted against the measure. The Earl of Ellenborough, too, was dissentient, "because the project was founded on a chimerical distrust of the French-derived population of the lower province, and a blind confidence in the people of British origin in both provinces;" he dissented from its provisions, further, "because they were unjust in themselves, since their object was to further augment the already existent disparity between the parliamentary representation, relatively, of the British and French colonial races; because, in effect, the operation of the measure would virtually deprive the latter of their chartered legislative rights: which, were it desirable to annul, would be most honestly, if not less inexpediently, effected by open nullification, than by refounding among them a representative government which all the world would look upon as a mockery of an electoral system in their regard." The Earl took occasion at the same time to admonish his fellow-peers, that "it was not in North America, provincials could have palmed upon them the semblance of a representative government for its reality; or that one section of them could count even for a minority (in fairly balanced questions) when, in truth, they were virtually disfranchised. The proposed union of the two Canadian provinces, (concludingly and cogently observed the earl) was *imposed on* one of them out of disbelief in the loyalty of a majority of its inhabitants; and *accepted by* the people of the other, though aware of its injustice to their neighbours, and knowing that the consent of the latter had not been obtained, or even asked; the Upper-Canadians thereby expecting to obtain fiscal advantages and legislative supremacy, to the detriment of a majority in the lower province."

Viscount Melbourne descanted on the necessity which existed of appeasing the discontent that existed in the two Canadas; observing that it was to the prevalence of such discontent in the finest provinces of France, afterwards long possessed by the English, that she lost them, in the year 1450. "And in the days of our immediate progenitors, what was it but unassuaged provincial discontent (added his lordship) that lost to Britain the immense territories now known as the United States? The Duke of Wellington, in reply to the viscount, recommended that further counsel should be taken on the subject; that there was no necessity for coming to a conclusion till the irritation prevalent in the Canadas had subsided; nor was final legislation expedient in their regard, till it were ascertained that there existed less disposition than parliament was as yet aware of, among the people of the United States to prompt or foment rebellion in the Canadas. Matured reflection was wanted, urged his Grace, before a composite legislature were formed, made up of representatives of three or four races, and professing a dozen or more forms of religious belief. The duke disapproved, also, the means which the government had recourse to for obtaining the consent of the Upper-Canadian deputies to the bill. For instance, the tory party in the colony was gained over through the publication of a despatch from Lord John Russell, regarding the appointments to governmental places; while the concurrence of the republican section of the inhabitants of the upper province in the measure was tried to be ensured by the

* The author, in the words imputed to the British premier, makes his lordship to be but indifferently versed in English history, if the latter really adverted to "le beau territoire" England possessed in France "et qu'elle tenait des princes Normands." Surely the Plantagenets did not hold the provinces of Guyenne, Anjou, Aquitaine, Maine, the territory of Tournai &c. merely in right of descent from William, first English duke of Normandy. We know, indeed, (what his lordship probably adverted to,) that, in 1451, the province of Guyenne fell under the dominion of Charles VII, king of France, after being subject to the English crown during about 300 years; and that, thenceforth, all hold was lost by England upon continental France, with the exception of the town of Calais; and even that was lost to the English, in 1558, being taken Jan. 7 of the foregoing year by the duke de Guise, after they had possessed it more than 200 years.—*B.*

suppression of another of his lordships' despatches, which would have been distasteful, if published, to the partisans of responsible government. Lord Brougham, taking part in the discussion, expressed his belief, that whenever Canada separated itself from Britain,—an event sure to arrive, soon or late,—such consummation, desirable or the contrary, would full surely be not a little hastened by an enforced conjunction, legislatively, of the people of the two provinces: who, when the time of separation came, each from the other respectively, would, through the uneasy experience of a union of populations, "paired not matched," part as enemies rather than friends,—a contingency certain and to be deplored, thanks to the ill-judged though well-meant attempts of ministers to conciliate antipathies in themselves absolutely irreconcilable.

The earl of Gosford was the next principal speaker in the debate. His opinions had, or at least ought to have had, all the more weight with the house of peers, as he was for some time supreme administrator in the Canadas; thereby gaining a knowledge, in the country itself, of the sentiments of the people and the force of party feeling among them. "I regard," said he, "this union bill as a dangerous experiment in legislation, and as a measure both arbitrary and unjust in itself. If it be true, as I think it is, that its promoters press it on because they are convinced that the French population of Canada are in an organized state of resistance to British domination, there never was a more mistaken apprehension accepted for verity. For my own part, I do not believe that in any of our colonial dependencies does her Majesty rule over a people who, whether by inclination or from a regard to their own interests, have a greater desire than the Canadians (collectively) to remain on a footing of alliance and amity with Great Britain. I am not unaware, however, of the false representations which have been actively spread about this country, tending to prove the contrary of what I have now said; but my averment in the matter is soothful, and can easily be proved by confirmatory facts, which will speak for themselves. Much have we heard about what has been denominated 'the recent revolts.' These are high-sounding words, and well calculated to serve the uses of those who find their account in giving them

currency, but, although I am ever disposed to reprove every species of insurrectionary manifestation, in this case I think we ought to recognize the propriety of looking closely into the true state of things, before stigmatising the events which really have taken place, in such terms of undue severity as have been employed against the malcontent Canadians so unjustly as injudiciously, and in such a way as will be sure to prejudice our case most lamentably in the estimation of the world. After all, the parts of Lower Canada wherein troubles did break out openly, comprised but a small section of the district of Montreal, or a narrow strip of territory bordering the river Richelieu. Now, what was the political state of this region anterior to the troubles therein? The public mind was inflamed by violent contestations of a partisan character,—not unconstitutional, however, for they were the natural result of the exercise of the electoral franchise,—carried on with unwonted heat. The spirit of party it was chiefly, and nothing worse, that, having exasperated the natures of those most under its domination, led to the excesses which the country had to endure and deplore. To justify this opinion of mine, I need only mention, that the sole locality anywhere north of the St. Lawrence which had in it an insurrectionary outbreak, was the county of the Two Mountains: now here, as in the Richelieu region, were there previously electioneering struggles of an unusually ardent character. Let it be remembered again, that those located in sundry parts of the province, but more especially at Montreal and in the environs of that city, are people of the British and Anglo-American races, to whom all the older Canadian and liberal and independent inhabitants can be nothing less than adversely inclined (*hostiles*); the former, in their conduct, generally speaking, evincing a spirit of domination over the population of French origin; and even aspiring to monopolize the power and patronage of the state. It is to the overweening pretensions of this section of the general population, resisted as those naturally are by the majority of the inhabitants, that we must chiefly attribute the troubles which have lately vexed the land. In proof of what I now state, I may make mention of one of the first movements made by the leaders of the Brito-Canadian party, upon my arrival in the province: In a meeting convoked by them, it was

proposed to raise a corps of volunteers, to be called the 'British Rifle Legion,' or some such distinctive (and of course invidious) appellation; and one of the resolutions came to was, that the privates should choose their own officers. I took the earliest occasion that presented itself, to remonstrate against the formation of such a body, but in a confidential and amicable way; yet all my efforts to prevent the project taking shape were useless. The result was, I felt constrained to order the disbandment of the corps by a formal proclamation, in name of the queen; first taking care, however, to assure myself, by an application to the provincial crown-lawyers, that the existence of such an association as the 'British Rifle Legion' was not only unconstitutional in spirit, but in reality illegal altogether. Again, a self-interested and headstrong (*violent*) section of the Anglo-Canadian commercialists has always laboured, by misrepresentation of facts and opinions to their correspondents in the mother country, trading and political, to cause their friends among us to forward their views, defend their acts, and palliate the exorbitancies which have really done much to provoke those of their fellow-colonists suffering from them into a partial rebellion. So long as this section, or the party of which it is the van, is allowed to ride rough-shod over common rights, there will be distrust and discontent in the country. I am happy to be able to say, however, that these remarks apply only to a small part of the British population, located chiefly in the environs of Montreal, and to some partisans in Quebec. Many of the Brito-Canadians have reprobated to me, in the strongest terms too, the intemperateness of their fellow-colonists, just adverted to. It is also a curious fact, that when the troubles broke out, the malcontent populace—for I may almost designate as such the insurgents—who took part in them were not led by French-Canadians. At St. Denis, they were commanded by Wolfred Nelson; at St. Charles, by one Brown, an Anglo-American; at St. Bennet, by a Swiss. The outbreak, as I have already observed, took place only in a part of Montreal district. In the other divisions of that jurisdiction, and in the other four districts of Lower Canada, viz. Gaspé, St. Francis, Quebec, and Three Rivers, all was peaceful, and the civil authorities were unassailed. The troubles in the disturbed district were

completely appeased in three weeks' time, and meanwhile addresses from all parts were sent to me, reproving the conduct of a few misguided men led away by evil counsel; the repudiators of their violence assuring me of the determination of the Canadians, in general, to support the government. In a word, the most perfect tranquillity reigned throughout the lower province before I left the country. But this state of things was not agreeable to the party which aimed at crushing the French-derived population.

"Convinced as I am of the exact verity of all I have now advanced, I cannot but regard the meditated union of the Canadas as a most unjust and tyrannical measure, proposed in view of depriving the lower province of its constitution, under the pretext, as a sufficing cause, that a handful of ill-intentioned men committed culpable acts; the sure effect of the project being, to deliver into the hands of a section of the community, the great majority of their fellow-colonists, the former being bitterly inimical to the latter! You propose to give, in a word, to three or four hundred thousand inhabitants the same amount of parliamentary representation, as to a population, of French descent, of at least 700,000 souls abiding in Lower Canada; and concurrently with this unequal distribution of franchise rights, you are about to impose on the same province, which has no public debt, or something next to none, payment of the interest of the pecuniary obligations of the upper Canadians, the capital of which, it is said, reaches one million. Can there be anything imagined more arbitrary or less reasonable than this? In truth, the mere legality of such a proceeding, setting all considerations of equitable dealing aside, may be very fairly called in question; for, I understand, no part of the debt contracted in Upper Canada has been sanctioned by the government of this country. I ought to declare, once again, my conviction that the unjust financial arrangement I now denounce, is due to a mercantile intrigue.* As I have already remarked, the French-derived population of the lower province wishes to live under British protection, and in alliance with us; yet a great majority of the inhabitants of the two Canadas is opposed to an (incorporating) union

* Alluding to the house of Baring, to which was due the greatest part of that debt.

..... I can never give my assent, therefore, to the unjust measure, as I conscientiously believe this to be, now submitted for the consideration of your lordships. I repeat, too, that I have called your attention to the real facts of the case; and in all I have just said, I am sure that I shall be confirmed by the testimony of every impartial resident in either province of Canada."

We have thus given, as above, a considerable portion of the speech of one ex-governor-general, because his discourse breathed, from beginning to end, the accents of pure justice and of simple truth; as well as that it became to us a test for appreciating the secret motives of the British colonial-office, which ever proved itself to be the most redoubtably inimical to the French-Canadians of all the institutions of the metropolitan state.

A majority of the aristocracy in the legislature of Britain finally voted for the measure, but yet unwillingly; and only because the mercantile party in parliament, which has always exerted great legislative influence in British colonial affairs, earnestly demanded the passing of the bill. Upper Canada, too, owed a million to the Barings, and found itself, just then, in an unfit state to discharge its public obligations. Therefore it was that the potent house thus indicated now (very naturally) made every effort to obtain the consent of the parliament of Britain to the Canadian Union Act; for upon that measure becoming law, did provincial payments, whether of capital or interest, greatly if not entirely depend. Besides the Barings, too, many other British merchants, capitalists, and perhaps some M.P.'s besides, sitting in judgment on the bill, had a common interest for the success of the project. Having so many personal reasons in presence to contend with, added to invincible national prejudices against the French-Canadian race, it was too plain that our interests in the case must perforce go to the wall; and, in effect, they did so. Thus in the Union Act, we find it expressly stipulated, that, after all costs of collection paid, the preferential charge on the colonial revenues in future shall be, the payment of the interest of the (conjoint) provincial debt. The salaries of the clergy, and and of the ministers on the civil list, to be paid next, as soon as other public moneys are got in.

The Union law, thus adopted by the two British houses of parliament, so soon as it received the royal assent, nullified by its ope-

ration the act of 1791, passed for the purpose of relieving (*pour soustraire*) the French-Canadians from the petty domination of the British population of the upper province; and thus, by the revocationary legislation of the Imperial parliament of 1840, were our race once more subjected to the ascendancy of the above population, but then become far more numerous than at the first-indicated date.

During the epoch terminated by the consummation of a great act of injustice, the population, commerce, agriculture, and industry of the country had made immense progress. Our people, whose total number we estimated at barely 125,000 souls in 1791, had quintupled in numerical amount during an interval of not quite a century's duration. The political dissensions arising among us, meanwhile, had not prevented individuals from playing each his part as a useful member of general society. In America, the constant movement of all things causes to halt behind its rapid actualities, all theories as to its hoped-for or predicted course; and sets at nought every system for its guidance, whether planned in metropolitan halls of legislation, or cabinet bureaux. Commonwealths, on this continent, are seated on immense bases; the outer limits of which extend from sea to sea on many sides. In Europe, property occupies the apex of the social pyramid; in America, the possessor of property is, or he ought to be for the benefit (*bonheur*) of the other component parts of the edifice, at its lowest part (*la base*). In 1844, the year nearest to that of the Union wherein a census took place, the population of Lower Canada was found to be 697,000 persons, out of which 524,000 were of French descent; the remaining 156,000 being of British or foreign blood: while, among the general total, 578,000 were catholics.

Lastly, in 1840, our provincial revenue reached £184,000, while the public expenditure was but £143,000. At the present time (1859) with the aid of some modifications in our fiscal laws, the conjoint revenues of the two Canadas reach a total of £1,500,000, while the expenditure is £1,600,000.

We are about to terminate this history. The Union of the two provinces necessarily marks one of the great stages of Canadian annals. The latest-occurring events we have recorded would have remained without any very precise signification, without the reader's taking

into consideration that union act, the manner of passing which at once explains the nature of the measure itself, and the tendencies of metropolitan feeling in our regard. If, in retracing the foregoing events, we may have wounded the susceptibilities of certain races, or of some individual men composing them,—or should we have excited the jealousies of any partisans or place-men, we shall merely observe, adapting to our own use the general apology made to his readers by M. Thiers, in the prelude to his *Histoire de la Révolution Française*, that "we have performed our task without animosity (*haine*); ever compassionating error, ever revering virtue, and admiring true greatness, while constantly striving to fathom the designs of Providence regarding the fate which it reserves for us, and respecting providential purposes as soon as we think that we have discerned their real nature."

CONCLUSION.

Our story is now told. We have initiated the foregoing work by relating when and how it came to pass that a handful of French emigrants fixed our people's place in the boreal regions of America. Scattered far abroad, as so many leaves from a parent tree, those emigrants found a home of but fitful rest in territories overrun rather than colonised by fur-traders; in a land often ravaged by barbarians; and at last subjugated by an alien race, through the decline of French royalty, which had lost the power (and almost the will) to protect us. LOWER CANADA—for it is of the earlier denizens of our own province that we have had chief occasion, all along, to speak—contained, when the disaster of conquest overtook us, but a few tens of thousands of people of Gallic origin: it is not for us, their descendants in the present day, to blame too much the mother country of us all, for the desolation in which this her greatest transmarine dependency was left, a century ago; for the loss to her of the heroic colony of Canada was one of the causes of her first Revolution; and all of humankind are aware how signally the proud and polished people of France avenged themselves

and us therein, by the abasement of a debilitated dynasty, and by the perdition of most of the statesmen who guided the helm of state, or stood near by, while it was turned in an adverse direction to Canadian interests, during the season of their extremest peril.

Notwithstanding all the troubles that French-Canada had to endure, few of the hundreds of its original inhabitants—literally hundreds, for long was it before they were hundred-hundreds in number—the population of our Canada, we say, numbered at the time of conquest about 60,000 souls—a figure of insignificant amount in European estimation, for a great terrritory. But now, scarcely a century having elapsed since the epoch thus indicated, that totality has swelled into the respectable dimensions of nearly a million;* and this extension has taken place entirely through the operation of self-increase: our people, all the while, too, having preserved intact their own religious faith successfully, and vindicated their distinctive nationality. Again: during a hundred and fifty previous years, the Canadians had to struggle against the Anglo-American colonies, containing populations thirty to forty times more numerous than their own; yet the foregoing annals attest, how well our forefathers acquitted themselves of yore in the wars which they waged against their enemies.

Although the French-Canadians are not opulent as a people; albeit they were not (and are not) favoured children of the two metropolitan states upon which they did and do still depend for protection, they have sufficiently proved that they preserve in their character a living likeness to that of the illustrious nation to which they owe their natural origin. Ever since the era of the Conquest, lending little of their attention to declamations on the "rights of man," or other the like theories (best propounded in great cities), they have fashioned their politics by a regard for their own immediate conservation; the only foundation properly fit for a (minor) people to build upon. They were never numerous enough to aim at opening up a new way for society to move in, still less to take the lead in any movement tending to transform the world of man. On the contrary, content to cling to each other, as if all formed but one family, they have ever feared to lose any time-honoured custom, to renounce one prescriptive idea, yea even a prejudice if cherished

* The latest official census of the Canadas (that of 1851) returned the French-derived populations as numbering, in all, 695,945 persons.

by their ancestors; this, too, in spite of the sarcasms of neighbours, often launched at such persistency of habit. The result is, however, that not only have they, in the present day, retained, without mutation, their religion and their language; but, in times past, their spiritual and secular distinctiveness became efficient means for preserving, in behoof of Britain, a firm foothold in North America. This result, though seemingly an untoward circumstance for United States' interests, has not been so much so as Americans might expect. The constant presence of the British flag, waving over the citadel of Quebec, has constrained the statesmen of the great republic to adopt a prudent polity, and to "go ahead" (*s'élever*) by safer if shorter stages in the race of nations. The consequence has been, as we think, that the United States have become all the more surely, if a little less rapidly, the great power which they now are.

At the present time, the French-Canadians are (mostly) a race of cultivators in a vast country, with a rough and even rigorous climate to contend against. Such being their quality, and such their position, they may not have the elegant habitudes or ostentatious deportment of southern populations; but they have solidity of character and a persevering spirit. The latter attribute has attached to them ever since the race first set foot in America; and we are convinced that those who shall read this history in a proper frame of mind, will own, that at no time did they show themselves unworthy of being connected with the two mighty nations on whose destinies their fate has been and is yet dependent.

We *could* not, in fact, have acted an ignoble part, unless we had been recreant to our own original nature. Were not our forefathers French provincials, of Normandy, Brittany, Touraine, Poitou; men descended from that noble race which marched under the leadership of William the Conqueror; men whose chief families, taking root in Britain, have made that insular domain become the core of one of the greatest empires in the world? We, as the more direct descendants of such a race, derive from that France, which has kept the lead in European civilisation ever since the fall of the Roman empire, and which has, whether in good or evil times, ever made herself respected; that France which, under its Charlemagnes and Napoleons, never yet feared to fight

a giant's battle with one or more powers coalesced against her: we are, in fine, more especially of one kin with those Vendeans, Normans, Bretons, men of Anjou, whom all mankind will ever respect because of their boundless devotedness to the objects of their loyal and religious sympathies, and whose admirable courage covered with abiding lustre the (lilied) flag which they bore aloft amid the political tempests of the first French revolution.

Polite literature (*les lettres*) has made great progress in (Lower) Canada. Schools are to be found in operation everywhere under the skilful direction of M. Meilleur, and of M. Chauveau. The universities and colleges flourish in the hands of our clergy. The learned professions are illustrated by numbers of distinguished men. The fine arts are cultivated successfully: M. Plamondon, pupil of M. Paulin-Guerin (court-painter to Charles X.), and M. Hamel (who studied under M. Plamondon, and afterwards in Italy), have imparted to Canada a right appreciation (*bon goût*) of the pictoral art.

Let the French-Canadians be true to themselves; let them not be seduced by the deceptious glare (*le brillant*) of social or political novelties. They (being but a minor people) are not potent enough to enter independently upon a career in such directions: it is for the greater populations to adopt and test the value of new theories; the latter alone move in an orbit of "ample scope and verge enough" to enable them to do so with due freedom. As for us, a portion of our force arises out of our traditions; from these let us not depart: at least if we do, let the change be gradual. We may find in the annals of our father-land in the history of Britain herself, good examples to follow. Although the latter is now great, she has had terrible (political) tempests to encounter, a conquest by aliens to recover from, religious wars to undergo, and many other adversities (*travaux*) to endure. Without wishing to set up for such a destiny as that of the British nation, sage conduct on our part, and a firm combination (*union*), will do much to remove obstacles from the way before us: thereby too, shall we, by exciting the interest of the nations in us, make our cause appear all the more sacred in the general estimation of mankind.

THE END.

APPENDIX.

Abridged Families Roll of the Colony of New France.
1666.

Quebec	555
Beaupré	678
Beauport	172
Island of Orleans	471
Saint-Jean, Saint-François, and St. Michel	156
Sillery	217
Notre Dame-des-Anges, and Rivière de St. Charles.	118
Côte de Lauzon	6
Montreal	584
Trois-Rivières	461
Total	3,418
Number of males between the ages of 16 and 50 years, capable of bearing arms	1,344

There are doubtless some omissions in the above roll, but which will be supplied in the coming winter, this year.

(Signed) Talon.

General Census of New France.
1734.

Churches	102
Parish Priests and Missionaries	83
Parsonages	76
Priests and Canons	32
Jesuits	18
Recollets	27
Religieuses of l'Hôtel-Dieu	97
Ursulines	80
Religieuses of l'Hôpital Général, and Frères Charrons	31
Sœurs de la Congrégation	96
Grain-mills	118
Saw-mills	52
Number of families	6,422

Married males above 50 years	1,718	37,252
„ under "	4,588	
„ absent	430	
Wives and Widows,	6,593	
Bachelors above 15 years,	3,805	
" under "	8,342	
Spinsters above 15 years,	3,654	
" under "	8,122	
Lands occupied and in tillage	163,111	
Prairies	17,657	
Grain grown, minots	737,892	
Maize	5,123	
Peas	63,549	
Oats	163,988	
Barley	3,462	
Tobacco, lbs	166,054	
Flax, "	92,246	
Hemp, "	2,221	
Horses	5,056	
Horned Cattle	33,179	
Sheep	19,815	
Swine	23,646	
Fire-arms	6,619	
Swords	784	

N. B.—This census has been made with care, and, it is believed, is more exact than any preceding one.

STATEMENT OF IMPORTS AND EXPORTS OF CANADA IN 1754.

	LIVRES.
Imports,	5,147,621
Exports,	1,576,616
Difference,	3,571,005

SHIPPING ARRIVALS.—Vessels from France,	32
" " the Isles,	10
" Louisbourg and Acadia,	11
Total,	35

The total Agricultural produce amounted to 925,000 minots of wheat, 1,195,000 minots of barley; 333,000 minots of rye; 7,239,000 minots of oats; 1,219,000 minots of pease; 141,000 minots of maize; 375,000 minots of buck-wheat; 9,918,000 minots of potatoes. The maple-

orchards produced 2,272,000 lbs. of sugar. There are 7,898 bee-hives; 470,000 head of cattle, 147,000 horses; 198,000 pigs; and 603,000 sheep, whose fleeces yielded 1,211,000 lbs. of wool. The amount of farming stock ought to be proportional to tillage; but the relative amount is smaller in cold regions than in warm. The Canadian winters will always present obstacles to breeding much stock, because the animals must be stabled and fed during nearly six months of every year.

The collective looms of the colony turned out that year [?] 747,000 ells of country cloth, 858,000 ells of linen and cotton stuffs, also 655,000 ells of flannel and drugget. 2090 workmen, at Quebec alone, built in the winter of 1840, thirty-three vessels, gauging together 18,000 tons; and 1,175 vessels of 884,000 tons in all, from Europe and elsewhere, arrived during the year preceding, in the same busy port.

There were [then ?] in the colony, 422 flour-mills, 153 for other grain, 911 saw-mills, 14 for obtaining linseed-oil, 153 for fulling and 169 for carding, 469 for thrashing, 8 for paper-making, and 24 for nail-making, &c. There were 69 foundries of various metals with 36 distilleries, 30 breweries, 540 potash-works, and 86 others for chemicals, &c.; the machinery of all and sundry moved by wind, water, steam, or animal power.

There were 64 colleges or superior schools, 1,569 elementary schools, spreading enlightenment among 57,000 children.*

* In the original the paragraph begins thus:—"Maintenant au-dessus de ces puissances physiques et matérielles, il y avait 66 colléges," &c.—*B.*

RECAPITULATION of the enumeration of the People of Lower Canada, made in 1844.

DISTRICTS.	HOUSES.			Owners of real estate.	Other proprietors.	Tenants with right of voting.	Total number of persons.	Number of persons temporarily absent.	Persons of English birth.	Persons of Irish birth.	Persons of Scottish birth.	Persons born in Canada of French origin.	Persons born in Canada of British extraction.	Persons born in the European continent, or elsewhere.
	Inhabited.	Uninhabited.	Building.											
1 Montreal.....	58754	2718	816	38593	23735	2213	368651	3031	6828	26656	9355	272482	77278	861
2 Saint-Francis.....	5528	106	42	3365	2193	21	32435	184	2000	2301	1424	4567	16779	22
3 Three Rivers	10661	440	219	8576	2439	106	68877	1107	366	1388	288	64268	2835	73
4 Quebec	31172	833	429	23596	9436	1470	205427	1658	2385	13017	1814	173833	14130	360
5 Gaspé.....	2634	18	146	2310	253	..	15392	322	316	670	512	2157	4638	113
Total.....	108749	4115	1652	76440	38056	3810	690782	6302	11895	43982	13393	524307	85660	1329

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